

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 967 Session of 2021

INTRODUCED BY SCHWANK, BROOKS, HUGHES, MENSCH, FONTANA, COSTA, KEARNEY, SANTARSIERO, COMITTA, STREET, BAKER, CAPPELLETTI AND COLLETT, DECEMBER 10, 2021

AS AMENDED ON THIRD CONSIDERATION, JUNE 15, 2022

AN ACT

1 Establishing the Women, Infants and Children State Advisory
2 Board.

3 The General Assembly finds and declares as follows:

4 (1) The Commonwealth intends to maximize the Federal
5 funding available for the Pennsylvania Special Supplemental
6 Nutrition Program for Women, Infants and Children by

7 maximizing PARTICIPATION AND enrollment in the program in- <--
8 order to support healthier pregnancies and births and <--
9 improved health in children in our Commonwealth and

10 eordinate, MATERNAL OUTCOMES, BIRTHS AND BIRTH OUTCOMES, <--
11 IMPROVING HEALTH IN PREGNANT WOMEN, POSTPARTUM WOMEN,
12 CHILDREN AND INFANTS IN THIS COMMONWEALTH AND COORDINATING
13 WITH other programs that support women, infants and children.

14 (2) Immediate action is needed to halt the steady
15 decline in WIC PARTICIPATION AND enrollment and the resultant <--
16 decrease in Federal funding and nutritional assistance for
17 Pennsylvania's lower-income women, infants and children, by

1 ~~increased~~ INCREASING THE use of technology~~7~~ AND <--
2 administrative organization~~7~~ AND BY greater transparency in <--
3 operation and use of Federal funding.

4 (3) It is necessary to steadily increase PARTICIPATION <--
5 AND enrollment in programs that support women, infants and
6 children, eliminate enrollment barriers, coordinate and
7 connect with related programs and maximize technology to
8 improve maternal and infant birth outcomes and the health of
9 children eligible for participation in the program.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Short title.

13 This act shall be known and may be cited as the WIC State
14 Advisory Board Act.

15 Section 2. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Board." The Women, Infants and Children State Advisory
20 Board established in section 3.

21 "Department." The Department of Health of the Commonwealth.

22 ~~"SNAP." Supplemental Nutrition Assistance Program.~~ <--

23 "ENROLLMENT." THE NUMBER OF ACTIVE WIC PARTICIPANTS WHO ARE <--
24 ELIGIBLE TO RECEIVE FOOD BENEFITS.

25 "FOOD INSTRUMENT." A VOUCHER, CHECK, ELECTRONIC BENEFITS
26 TRANSFER (EBT) CARD, COUPON OR OTHER DOCUMENT THAT IS USED BY A
27 PARTICIPANT TO OBTAIN SUPPLEMENTAL FOODS.

28 "PARTICIPATION." THE NUMBER OF INDIVIDUALS WHO HAVE RECEIVED
29 WIC FOOD BENEFITS ON A FOOD INSTRUMENT.

30 "WIC." The Pennsylvania Special Supplemental Nutrition

1 Program for Women, Infants and Children.

2 Section 3. Establishment.

3 The Women, Infants and Children State Advisory Board is
4 established in the department.

5 Section 4. ~~Duties~~ TOPICS. <--

6 (a) Advising.--The board shall advise the department and <--
7 ~~other agencies providing nutrition services in health care to~~
8 ~~lower income and other eligible women and children in this~~
9 ~~Commonwealth~~ on the following topics:

10 (1) ~~On the~~ THE operation of the programs, to: <--

11 (i) Increase enrollment and utilization of the
12 ~~programs, including:~~ <--

13 ~~(A) A study on the feasibility to implement a~~
14 ~~memorandum of understanding with the Department of~~
15 ~~Human Services to streamline the enrollment process~~
16 ~~for eligible participants who are applying for SNAP~~
17 ~~or medical assistance.~~

18 ~~(B) Utilizing the COMPASS app to apply for~~
19 ~~health and human services programs and manage benefit~~
20 ~~information.~~ PROGRAMS. <--

21 (ii) Improve the quality of services to support
22 connections between WIC and comprehensive services to
23 address the social, health, educational and other needs
24 of pregnant individuals, mothers, infants and ~~toddlers~~ <--
25 CHILDREN. <--

26 (2) ~~To develop an annual plan for outreach, including~~ <--
27 ~~targeted outreach to immigrants and other underserved~~
28 ~~populations, and to increase enrollment by promoting outreach~~
29 ~~and enrollment in each region through public private~~
30 ~~partnerships.~~

1 ~~(3) To advise on technology improvements and~~
2 ~~enhancements to be made using the American Rescue Plan Act of~~
3 ~~2021 (Public Law 117-2, 135 Stat. 4) funds, including:~~

4 ~~(i) Using a smart card that allows remote loading~~
5 ~~and increased capacity for additional benefits.~~

6 ~~(ii) Developing online appointment scheduling.~~

7 ~~(iii) Maximizing innovations in telehealth to reduce~~
8 ~~the need for in person office visits.~~

9 ~~(iv) Easing the ability to do online purchasing of~~
10 ~~WIC benefits.~~

11 ~~(v) Providing seamless enrollment and data sharing~~
12 ~~between the department and the Department of Human~~
13 ~~Services.~~

14 ~~(vi) Developing the ability to obtain weight and~~
15 ~~height measurements from a primary care physician through~~
16 ~~telehealth.~~

17 ~~(vii) Maximizing the use of text messaging to~~
18 ~~participants on an individual and group basis.~~

19 ~~(viii) Other technology and data improvements to~~
20 ~~provide a more consumer centered administration of the~~
21 ~~Pennsylvania Special Supplemental Nutrition Program for~~
22 ~~Women, Infants and Children.~~

23 ~~(ix) Streamlining eligibility by using technology to~~
24 ~~verify income and other requirements.~~

25 ~~(4) On coordination and collation of services, to~~
26 ~~improve efficiency and effectiveness of those services.~~

27 ~~(5) On planned policy, administrative changes and budget~~
28 ~~requests, to obtain input from the board prior to~~
29 ~~implementation.~~

30 ~~(b) Duties. The board shall have the following duties:~~

1 OUTREACH INITIATIVES TO INCREASE PARTICIPATION AND ENROLLMENT IN <--
2 THE PROGRAM, INCLUDING ANY UNDERSERVED POPULATIONS.

3 (3) TECHNOLOGY IMPROVEMENTS OR ENHANCEMENTS FOR PROGRAM
4 OPERATIONS, EFFICACY AND EFFICIENCY, INCLUDING:

5 (I) INCORPORATING THE USE OF TECHNOLOGY AND
6 MODERNIZATION TOOLS THAT REMOVE BARRIERS FOR PROGRAM
7 PARTICIPANTS, INCLUDING THE POTENTIAL TO LOAD BENEFITS
8 REMOTELY AND PURCHASE WIC BENEFITS ONLINE.

9 (II) DEVELOPING AND MAXIMIZING THE USE OF TELEHEALTH
10 TECHNOLOGY FOR THE INCREASED CONVENIENCE OF PROGRAM
11 PARTICIPANTS.

12 (III) COORDINATING AND COLLATING SERVICES TO IMPROVE
13 EFFICIENCY AND EFFECTIVENESS OF THOSE SERVICES.

14 (B) OTHER TOPICS.--THE BOARD MAY ADVISE THE DEPARTMENT ON
15 OTHER TOPICS BEARING ON THE PROGRAM.

16 SECTION 5. DUTIES.

17 (A) BOARD DUTIES.--THE BOARD SHALL HAVE THE FOLLOWING
18 DUTIES:

19 (1) Review current aggregate data on WIC eligibility and
20 PARTICIPATION AND enrollment at the ~~regional~~ STATE level from <--
21 the department and the Department of Human Services. <--

22 ~~(2) Set outcome goals for enrollment and retention to <--~~
23 ~~collectively take action through public private partnerships~~
24 ~~to address improvement opportunities.~~

25 ~~(3) Develop an annual action plan for the department and~~
26 ~~the Department of Human Services.~~

27 ~~(4)~~ (2) Become familiar with the WIC Policy Manual and <--
28 WIC State plan ~~to ensure all members are aware of the current <--~~
29 ~~efforts.~~

30 ~~(5) Research~~ (3) ADVISE ON best practices that are used <--

1 in other states.

2 ~~(6) Consult with agencies on what stakeholders could do <--~~
3 ~~to promote outreach, enrollment and connection to~~
4 ~~comprehensive services.~~

5 ~~(7) Develop or disseminate outreach and educational~~
6 ~~materials to reduce the stigma around WIC.~~

7 ~~(8) Coordinate a cohesive group across this Commonwealth~~
8 ~~to promote WIC across many channels and organizations that~~
9 ~~work with potential WIC participants to create a unified~~
10 ~~message.~~

11 ~~(9) Serve as a leverage point for ongoing initiatives~~
12 ~~benefiting women, infants and children.~~

13 (4) CONSULT WITH ORGANIZATIONS AND OTHER AGENCIES THAT <--
14 WORK WITH WIC PARTICIPANTS IN FULFILLING DUTIES UNDER THIS
15 ACT.

16 (5) ADVISE THE DEPARTMENT ON THE TOPICS ENUMERATED IN
17 SECTION 4.

18 Section 5 6. Membership and meetings. <--

19 (a) Membership.--The board shall consist of the following
20 members:

21 (1) ~~Ex officio members.~~--The following individuals shall <--
22 be ex officio members of the board:

23 (i) The Secretary of Health or a designee WHO SHALL <--
24 BE AN EMPLOYEE OF THE DEPARTMENT.

25 ~~(ii) The Secretary of Human Services or a designee. <--~~

26 ~~(iii) The Director of WIC or a designee.~~

27 ~~(2) Members of the board shall include one~~
28 ~~representative from each of the following:~~

29 ~~(i) A regional health care provider serving women,~~
30 ~~infants and children.~~

1 ~~(ii) An obstetrician.~~

2 ~~(iii) A pediatrician.~~

3 ~~(iv) A licensed dietician.~~

4 ~~(v) A representative of a retail grocery store chain~~
5 ~~contracted with the Commonwealth to provide online sales.~~

6 ~~(vi) A WIC program provider agency representative~~
7 ~~from each of the six regions as designated by the~~
8 ~~Commonwealth or national association of WIC agency~~
9 ~~providers.~~

10 ~~(vii) A consumer advocate with expertise in~~
11 ~~federally funded nutritional programs.~~

12 ~~(b) Additional members. The board may at any time make~~
13 ~~additional appointments to the board that may be necessary to~~
14 ~~carry out its duties.~~

15 ~~(c) Terms. Members of the board shall be appointed on an~~
16 ~~annual basis by the secretary of the department for a term not~~
17 ~~to exceed three consecutive years.~~

18 (II) THE DIRECTOR OF WIC OR A DESIGNEE WHO SHALL BE <--
19 AN EMPLOYEE OF THE DEPARTMENT WITH SPECIALIZED KNOWLEDGE
20 OF WIC.

21 (III) TWO SUBJECT MATTER EXPERTS, AS DETERMINED BY
22 THE SECRETARY OF HEALTH OR A DESIGNEE.

23 (2) REMAINING MEMBERS OF THE BOARD SHALL INCLUDE THE
24 NUMBER OF REPRESENTATIVES FROM EACH OF THE FOLLOWING
25 CATEGORIES AS INDICATED, FOR A TOTAL OF 14 REMAINING MEMBERS:

26 (I) TWO MEDICAL PROFESSIONALS WITH EXPERTISE IN
27 SERVING WOMEN AND CHILDREN FROM UNDERSERVED POPULATIONS.

28 (II) TWO ADVOCATES FOCUSED ON ADDRESSING FOOD
29 INSECURITY.

30 (III) TWO CHILD OR MATERNAL ADVOCATES.

1 (IV) THREE WIC PARTICIPANTS, EACH REPRESENTING A
2 DIFFERENT REGION OF THIS COMMONWEALTH.

3 (V) ONE REPRESENTATIVE FROM TWO DIFFERENT WIC-
4 AUTHORIZED STORES OR REPRESENTATIVES OR DESIGNEES OF WIC-
5 AUTHORIZED STORES, FOR A TOTAL OF TWO, WITH PREFERENCE
6 BEING FOR ONE REPRESENTATIVE FROM A STORE LOCATED IN AN
7 URBAN AREA AND ONE REPRESENTATIVE FROM A STORE LOCATED IN
8 A RURAL AREA, AS DETERMINED BY THE SECRETARY OF HEALTH.

9 (VI) ONE REPRESENTATIVE FROM EACH OF THREE DIFFERENT
10 WIC LOCAL AGENCIES, FOR A TOTAL OF THREE REPRESENTATIVES,
11 EACH REPRESENTING A DIFFERENT REGION OF THIS
12 COMMONWEALTH.

13 (B) CHAIR.--THE SECRETARY OF HEALTH SHALL SERVE AS CHAIR OF
14 THE BOARD. THE FOLLOWING APPLY:

15 (1) AT THE FIRST BOARD MEETING, BOARD MEMBERS SHALL
16 SELF-SELECT A VICE CHAIR AND SECRETARY.

17 (2) THE VICE CHAIR SHALL ASSIST IN THE AGENDA CREATION
18 AND MEETING ORGANIZATION.

19 (3) THE SECRETARY OF HEALTH SHALL SELECT A BOARD MEMBER
20 TO FILL THE VICE CHAIR'S OBLIGATIONS IN THE VICE CHAIR'S
21 ABSENCE.

22 (4) THE SECRETARY OF THE BOARD SHALL CAPTURE AND
23 DISTRIBUTE MEETING MINUTES.

24 (C) QUORUM.--TEN BOARD MEMBERS UNDER SECTION 6(A)(2) SHALL
25 CONSTITUTE A QUORUM.

26 (D) VOTING.--ONLY BOARD MEMBERS UNDER SECTION 6(A)(2) SHALL
27 HAVE VOTING RIGHTS. THE VOTE OF THE MAJORITY OF THE QUORUM OF
28 BOARD MEMBERS SHALL PREVAIL.

29 (E) APPOINTMENT AND TERMS.--

30 (1) THE SECRETARY OF HEALTH SHALL APPOINT MEMBERS OF THE

1 BOARD UNDER SECTION 6 (A) (2) FOR STAGGERED THREE-YEAR TERMS,
2 AS DETERMINED BY THE SECRETARY OF HEALTH, FOR A TERM NOT TO
3 EXCEED THREE CONSECUTIVE YEARS.

4 (2) A BOARD MEMBER WHOSE TERM HAS EXPIRED SHALL CONTINUE
5 AS A MEMBER OF THE BOARD UNTIL A REPLACEMENT HAS BEEN
6 APPOINTED. THE MEMBER SHALL HAVE FULL VOTING RIGHTS AND COUNT
7 FOR PURPOSES OF ESTABLISHING A QUORUM. HOWEVER, IN NO EVENT
8 SHALL THE MEMBER CONTINUE TO SERVE ON THE BOARD BEYOND SIX
9 MONTHS FROM THE DATE OF TERM EXPIRATION.

10 (3) EX OFFICIO MEMBERS OR THEIR DESIGNEES SHALL SERVE SO
11 LONG AS THE OFFICIAL CONTINUES TO SERVE IN AN OFFICIAL
12 POSITION.

13 ~~(d)~~ (F) Vacancies.--Vacancies in the membership of the board <--
14 shall be filled WITHIN 45 DAYS OF THE VACANCY in the same manner <--
15 as provided for the original appointments.

16 ~~(e)~~ (G) Staffing.--The board shall be staffed in <--
17 collaboration with individuals from: <--

18 ~~(1) The department.~~

19 ~~(2) The Department of Human Services.~~

20 ~~(3) SNAP. THE DEPARTMENT.~~ <--

21 ~~(f)~~ (H) Subcommittees.--The board may at any time create <--
22 subcommittees of the board members to carry out specific tasks
23 or research. Subcommittees are to be created on an ad hoc basis
24 and are not to replace or interfere with the efforts of the
25 board.

26 ~~(g)~~ (I) Meetings.--The board shall meet in accordance with <--
27 the following:

28 (1) Members shall meet no ~~less than 10~~ FEWER THAN FOUR <--
29 times per year, ON A QUARTERLY BASIS. HOWEVER, THE BOARD <--
30 SHALL MEET EVERY MONTH FOR THE FIRST SIX MONTHS AFTER THE

1 ESTABLISHMENT OF THE BOARD. THEREAFTER, FOR THE REMAINDER OF
2 THAT FIRST YEAR, THE BOARD SHALL MEET ON A QUARTERLY BASIS.

3 (2) The agenda for each meeting and all meeting minutes
4 shall be posted to the department's publicly accessible
5 Internet website.

6 (3) Meetings shall comply with the following:

7 (i) The act of February 14, 2008 (P.L.6, No.3),
8 known as the Right-to-Know Law.

9 (ii) 65 Pa.C.S. Ch. 7 (relating to open meetings).

10 SECTION 7. COMPENSATION AND REIMBURSEMENT. <--

11 BOARD MEMBERS SHALL NOT BE ENTITLED TO COMPENSATION FOR THEIR
12 SERVICES AS BOARD MEMBERS. HOWEVER, BOARD MEMBERS SHALL BE
13 ENTITLED TO REIMBURSEMENT IN ACCORDANCE WITH COMMONWEALTH
14 GUIDELINES FOR REASONABLE TRAVEL, LODGING AND OTHER NECESSARY
15 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES AS BOARD
16 MEMBERS.

17 SECTION 8. CONFLICT OF INTEREST.

18 BOARD MEMBERS SHALL RECUSE THEMSELVES FROM DISCUSSIONS AND
19 ACTIONS IF A CONFLICT OF INTEREST MAY EXIST.

20 Section ~~6~~ 9. Effective date. <--

21 This act shall take effect in 60 days.