

**4617.0065** MR 1995 [Renumbered 4617.0067]

**4617.0065** **VENDOR APPLICATION PROCESS.**

Subpart 1. **Applicability.** This part applies to all vendor applications, except that it applies to applications for immediate vendor agreements under part 4617.0066, subpart 3, only to the extent specified in that subpart. If a vendor applicant is applying to be both a pharmacy vendor and a retail food vendor:

A. the applicant need only submit one application; however, the commissioner shall treat the application as if the applicant had submitted an application to be a pharmacy vendor separate from the application to be a retail food vendor; and

B. the commissioner shall approve or disapprove the applicant as a retail food vendor, and shall approve or disapprove the vendor applicant as a pharmacy vendor, according to this part.

Subp. 2. **Application.**

A. Each vendor applicant shall complete and submit to the commissioner an application form, supplied by the commissioner, which contains the following information:

- (1) name of the applicant;
- (2) mailing address and location of the applicant's business site;
- (3) whether the applicant is seeking to be a retail food vendor, a pharmacy vendor, or both;
- (4) names and current addresses of all controlling persons of the applicant;
- (5) hours of operation of the applicant;
- (6) the specific WIC-approved foods stocked by the applicant and the applicant's shelf prices at the time of application for those WIC-approved foods;
- (7) the applicant's food stamp authorization number;
- (8) if the commissioner has given notice to vendors under part 4617.0090, subpart 1a, the name of the bank, the bank's routing number, and the bank account number of the bank account into which the applicant will deposit WIC vouchers;
- (9) information on where in Minnesota the applicant will, if approved as a vendor, have available for immediate review by WIC program representatives the store's original documentation, including receipts and invoices, reflecting all purchases of WIC-allowed food items by the store during the most recent three months, as required in part 4617.0068, subpart 4a;

(10) other information requested by the commissioner which relates to whether the applicant is in compliance with all applicable vendor eligibility requirements in part 4617.0067; and

(11) the signature of an authorized representative of the applicant, attesting that the information in the application is true and correct to the best of the authorized representative's knowledge and belief.

B. Each vendor applicant shall submit to the commissioner documentation described in this item.

(1) A retail food vendor applicant must submit to the commissioner a copy of all government licenses required by part 4617.0067, subpart 2, item B, subitem (1), or if the store has applied for but not yet received all of the government licenses, a copy of all licenses received and the receipts for all licenses not yet received.

(2) A pharmacy vendor applicant must submit to the commissioner a copy of the pharmacy's registration by the Minnesota Board of Pharmacy under Minnesota Statutes, chapter 151.

C. Upon request by the commissioner, a vendor applicant must submit to the commissioner all additional information necessary to support or clarify information submitted under items A and B.

**Subp. 3. Submission time frames for applications.**

A. The deadline for a vendor to submit a complete reauthorization application is five months before the ending date of the vendor applicant's existing vendor agreement. If the commissioner receives the complete reauthorization application more than 30 days after the deadline, the vendor applicant's existing vendor agreement may expire before the commissioner approves or disapproves the reauthorization application. If the commissioner receives the complete reauthorization application after the applicant's most recent vendor agreement has expired, the commissioner shall treat the application as an application from a vendor applicant that is not a current vendor.

B. Except as provided in item C, a pharmacy vendor applicant that is not a current pharmacy vendor may submit a pharmacy vendor application to the commissioner at any time.

C. A pharmacy vendor applicant may not submit more than one pharmacy vendor application in any 12-month period, other than an application for an immediate vendor agreement under part 4617.0066, subpart 3. The commissioner shall return any additional applications to the applicant without approval or disapproval.

D. Except as provided in item E, a retail food vendor applicant that is not a current retail food vendor may submit a retail food vendor application to the commissioner at any time.

E. A retail food vendor applicant may not submit more than one retail food vendor application in any 12-month period, other than an application for an immediate vendor agreement under part 4617.0066, subpart 3. The commissioner shall return any additional applications to the applicant without approval or disapproval.

Subp. 4. [Repealed, 29 SR 1202]

Subp. 5. **Application review and approval process.** The commissioner shall, in accordance with this subpart, review vendor applications except applications returned to the vendor applicant under subpart 3, item C or E.

A. The commissioner shall perform an initial office review of each application to determine whether the application is complete and the applicant meets all applicable eligibility requirements in part 4617.0067.

(1) If the commissioner determines during the initial office review of the application that the application is incomplete, the commissioner shall contact the applicant and give the applicant an opportunity to submit complete information, unless subitem (2) applies. If the commissioner does not receive complete information within 30 days after the commissioner first contacts the applicant for complete information, the commissioner shall disapprove the application.

(2) If the commissioner determines during the initial office review of the application that the applicant does not meet an applicable eligibility requirement in part 4617.0067, subpart 2, item A or C; 4, item A, B, or E; or 6, the commissioner shall disapprove the application.

(3) If the commissioner determines during the initial office review of the application that the applicant does not meet an applicable eligibility requirement in part 4617.0067, subpart 3; 4, item D or G; or 5, the commissioner shall contact the applicant and give the applicant one opportunity to submit corrected information. If the commissioner does not receive a response from the applicant within 30 days after the commissioner first contacts the applicant for corrected information, the commissioner shall disapprove the application.

B. If the application is a reauthorization application and is not disapproved under item A, and if the complete or corrected application meets all applicable eligibility requirements under part 4617.0067, the commissioner shall approve the application.

C. If the application is not a reauthorization application and is not disapproved under item A, the commissioner shall conduct an on-site inspection of the applicant to verify

the information in the application and to verify that the applicant is in full compliance with part 4617.0067:

(1) If the on-site inspection shows that the applicant is not in full compliance with part 4617.0067, then:

(a) if the applicant is a retail food vendor applicant:

i. the commissioner shall notify the applicant in writing of the ways in which the applicant was not in full compliance with part 4617.0067;

ii. within 30 days after the date of the commissioner's written notice, the applicant must notify the commissioner in writing that the applicant has been brought into full compliance with part 4617.0067; and

iii. after receiving the applicant's written notice, the commissioner shall conduct a second on-site inspection; or

(b) if the applicant is a pharmacy vendor applicant, the commissioner shall disapprove the application.

(2) If the on-site inspection of a pharmacy vendor applicant shows that the applicant is in full compliance with part 4617.0067, the commissioner shall approve the application.

(3) If the applicant is a retail food vendor applicant and either the initial or second on-site inspection under this item shows that the applicant meets all applicable eligibility requirements in part 4617.0067, the commissioner shall approve the application.

(4) If the second on-site inspection under subitem (1), unit (a), shows that the retail food vendor applicant does not meet all applicable eligibility requirements in part 4617.0067, the commissioner shall disapprove the application.

(5) If the commissioner does not receive in a timely manner the notice required by subitem (1), unit (a), subunit ii, the commissioner shall disapprove the application.

**Subp. 6. Notification of status of application.**

A. The commissioner shall, in writing, inform each vendor that has submitted a complete reauthorization application of the commissioner's approval or disapproval of the application by the later of:

(1) the next April 1 after the commissioner received the complete reauthorization application; or

(2) four months after the commissioner received the complete and, if applicable, corrected reauthorization application.

B. For a vendor application that is not a reauthorization application, the commissioner shall inform the vendor applicant in writing of the commissioner's approval or disapproval of the application no later than four months after the commissioner received the complete and, if applicable, corrected application.

C. If the commissioner disapproves an application under subpart 5, item A, subitem (1) or (3), the commissioner must notify the vendor applicant of the commissioner's disapproval of the application within four months after the commissioner first requests the complete or corrected information from the vendor applicant.

D. A notice of disapproval must state the reasons for the commissioner's disapproval.

Subp. 7. **Mandatory training of vendor representative.** After submitting an application and before the commissioner executes a new vendor agreement under subpart 8, at least one representative of each vendor applicant must complete WIC-approved training, sign a training verification form provided by the commissioner to verify completion of the WIC-approved training, and submit this signed training verification form to the commissioner.

Subp. 8. **Execution of vendor agreement.**

A. If a vendor application is approved, the commissioner shall mail or deliver a vendor agreement to the applicant or agent designated by the applicant. The applicant or designated agent shall submit the vendor agreement, signed according to part 4617.0075, to the commissioner by the deadline specified by the commissioner. This deadline shall be no sooner than 14 days after the commissioner mails or delivers the vendor agreement to the applicant or designated agent. Upon receipt of a timely signed and submitted vendor agreement, the commissioner shall:

- (1) verify that the applicant has complied with subpart 7;
- (2) execute the vendor agreement; and
- (3) issue the applicant a vendor stamp unless the applicant already has a valid vendor stamp.

B. If the applicant or designated agent fails to submit the signed vendor agreement within 30 days after the specified deadline, the commissioner shall disapprove the vendor application, notwithstanding the commissioner's prior approval of the vendor application.

Subp. 9. **Additional grounds for disapproval.** Notwithstanding subpart 5, the commissioner shall disapprove a vendor application if:

A. the application is not a reauthorization application and the applicant does not comply with all applicable requirements in part 4617.0067 at any time between the final

on-site inspection under subpart 5, item C, and the commissioner's execution of a new vendor agreement;

B. a reauthorization applicant does not comply with all applicable requirements in part 4617.0067 at any time between the commissioner's receipt of the complete and corrected application and the commissioner's execution of a new vendor agreement;

C. the applicant is a retail food vendor applicant which does not comply with part 4617.0067, subpart 2, item B, by the date the applicant signs any vendor agreement;

D. the applicant provides the commissioner with false or misleading material information:

(1) on the application; or

(2) in any other manner after the application is submitted but before the commissioner's execution of a new vendor agreement; or

E. the applicant does not comply with subpart 7.

**Statutory Authority:** *MS s 144.11; 145.894*

**History:** *22 SR 266; 25 SR 555; 29 SR 1202*

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