

**Virginia Department of Health (VDH)
Division of Immunization (DOI)
Virginia Vaccines for Children (VVFC)
Fraud and Abuse Policy**

Purpose

The purpose of this policy is to provide programmatic direction for the prevention of fraud and abuse of the Virginia Vaccines for Children (VVFC) Program. VVFC vaccine must be used according to the guidelines specified in the VFC Contract signed by enrolled providers. Misuse of VVFC vaccine may result in civil and/or criminal penalties if fraud or abuse is discovered. It is critical that providers understand the eligibility criteria for VVFC which provides both federal and state funded vaccine to VVFC enrolled providers.

Eligibility for VVFC federal and state-purchased vaccine:

- a) Federally vaccine-eligible children who are 18 years of age or younger and meet one or more of the following categories: i) enrolled in Medicaid ii) has no health insurance iii) are American Indian or Alaskan Native iv) are underinsured: Children who have commercial (private) health insurance but the coverage does not include vaccines, children whose insurance covers only selected vaccines (VFC- eligible for non-covered vaccines only), or children whose insurance caps vaccine coverage at a certain amount-- once that coverage amount is reached, these children are categorized as underinsured. Underinsured children are eligible to receive VFC vaccine only through a Federally Qualified Health Center (FQHC) or Rural Health Clinic (RHC)
- b) State vaccine-eligible children 18 years of age or younger at FQHC/RHC/LHD/Participating Public Hospital who are not eligible for federal VFC funded vaccine and are receiving immunizations required for school i) DTaP, Hepatitis B, Hib, MMR, Polio, Td, and Varicella vaccines ii) MMRV when all components are indicated for children 12 months through 12 years iii) HPV for females who are 11 or 12 years of age iv) Pneumococcal for all children less than 5 years of age v) TDaP for all children at entry into sixth grade, if at least five years have elapsed since the last dose of tetanus toxoid-containing vaccine
- c) State vaccine-eligible adults 19 years and up at FQHC/RHC/LHD/Participating Public Hospital i) receiving Td, MMR, and Polio vaccine

The VFC Operations Guide, Fraud and Abuse Publication revised on December 2010 defines Fraud and Abuse as:

Fraud: an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. It includes any act that constitutes fraud under applicable federal or state law.

Abuse: provider practices that are inconsistent with sound fiscal, business, or medical practices and result in an unnecessary cost to the Medicaid program, [and/or including actions that result in an unnecessary cost to the immunization program, a health insurance company, or a patient]; or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes recipient practices that result in unnecessary cost to the Medicaid program.

Examples of Fraud and Abuse

Fraud or abuse can occur in many ways. The key is to differentiate between intentional fraud and abuse and unintentional abuse or error due to excusable lack of knowledge. Some examples

of potential fraud and abuse that VFC staff might encounter are:

Providing VFC vaccine to non-VFC-eligible children

Selling or otherwise misdirecting VFC vaccine

Billing a patient or third party for VFC-funded vaccine

Charging more than the established maximum regional charge for administration of a VFC-funded vaccine to a federally vaccine-eligible child

Denying VFC-eligible children VFC-funded vaccine because of parents' inability to pay for the administration fee

Failing to implement provider enrollment requirements of the VFC program;

Failing to screen patients for VFC eligibility at every visit

Failing to maintain VFC records and comply with other requirements of the VFC program

Failing to fully account for VFC-funded vaccine

Failing to properly store and handle VFC vaccine

Ordering VFC vaccine in quantities or patterns that do not match the provider's profile or otherwise over-ordering of VFC doses of vaccine

Waste of VFC vaccine

Failure to Comply with VFC Requirements

Fraud and abuse by VVFC-enrolled providers is a result of the VVFC-enrolled provider failing to comply with the VFC program requirements outlined in the contract section of the VVFC Registration Form. Failure to comply with VFC requirements is defined as any VFC-enrolled provider who is identified as not maintaining the federal requirements listed in the VFC Program Contract section of the VVFC Registration. Non-compliance may be identified by VVFC program staff, the enrolled provider's staff, or a third party.

VVFC is required to report suspected cases of fraud and abuse to the Centers for Disease Control and Prevention (CDC), who may in turn notify and/or involve the following agencies: Virginia Medicaid, Medicaid Fraud Control Unit (MFCU), and the Office of the State Attorney General on the state level; the U.S. Department of Health and Human Services, Office of Inspector General (OIG) and the U.S. Department of Justice on the federal level.

Resolution

Determination of fraud and abuse is made by VVFC in conjunction with the parties above.

Reinstatement to the VVFC program will be contingent on the outcome of proceedings by the aforementioned agencies. Resolution may include the following (not all inclusive)

interventions: technical assistance, education and follow-up, replacement of vaccine, or referral for criminal prosecution or civil resolution.

Reporting Suspected Fraud or Abuse

Call the Division of Immunization VVFC Director at 800-568-1929 to report suspected cases of fraud and/or abuse.