

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

As childhood vaccines become more expensive and immunization programs more complex, the Vaccines for Children (VFC) program becomes more vulnerable to fraud and abuse. The Division of Immunization takes the potential for these occurrences very seriously.

**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. The Division of Immunization provides both federal and state funded vaccine to public and private providers. Please refer to the screening forms located here for guidance on how to differentiate VFC funded vaccine from non-VFC vaccine:

<http://www.vdh.virginia.gov/epidemiology/Immunization/VFC/vfcForms.htm>

Consistent with “fraud” and “abuse” as defined in the Medicaid regulations at 42 CFR § 455.2, and for the purposes of this document, the following definitions will be used:

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 VVFC Provider Agreement. 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. If fraud or abuse results in termination, 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.