NORTH DAKOTA DEPARTMENT of HEALTH

NORTH DAKOTA IMMUNIZATION PROGRAM FRAUD AND ABUSE POLICY

DEFINITIONS

Fraud and Abuse as defined in the Public Health Code of Federal Regulations 455.2: www.access.gpo.gov/nara/cfr/waisidx_03/42cfr455_03.html.

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.

All cases of suspected fraud and abuse will be handled according to this policy and the Centers for Disease Control and Prevention's (CDC) Vaccines For Children (VFC) Operations Guide: Module 10 Fraud and Abuse, which can be viewed at www.cdc.gov/vaccines/programs/vfc/downloads/vfc-op-guide/14-module-10.pdf.

Vaccines For Children (VFC): The VFC program is a federal vaccine entitlement program. VFC funds are provided to states to purchase vaccine for the following eligible children:

- Medicaid-eligible
- American Indian or Alaskan Native
- No insurance
- Underinsured (have health insurance but the policy does not cover vaccinations) – these children must be vaccinated at a Federal Qualified Health Center (FQHC) or Rural Health Clinic (RHC) or by a provider with a Memorandum of Understanding (MOU) with an FQHC or RHC.

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1. FRAUD AND ABUSE CONTACTS

Suspected VFC fraud or abuse may be reported to one of the following individuals.

Abbi Pierce, VFC Manager, is designated as the primary contact.
2635 E. Main Ave., P.O. Box 5520
Bismarck, ND 58506-5520
(P) 701-328-3324 (F) 701-328-2499
apierce@nd.gov

Molly Howell, Immunization Program Manager, is designated as first back-up.
2635 E. Main Ave., P.O. Box 5520
Bismarck, ND 58506-5520
(P) 701-328-4556 (F) 701-328-2499
mahowell@nd.gov

Janna Pastir, VFC/AFIX Coordinator, is designated as second back-up.
2635 E. Main Ave., P.O. Box 5520
Bismarck, ND 58506-5520
(P) 701-328-2035 (F) 701-328-2499
jlpastir@nd.gov

2. *FRAUD AND ABUSE HOTLINE*

Suspected cases of fraud and abuse should be reported immediately to the North Dakota Immunization Program at 800.472.2180.

3. *ALLEGATION AND REFERRAL DATABASE*

A database will be maintained to monitor and document all actions taken on allegations related to fraud and abuse of VFC program requirements, including actions taken to address identified situations. The following information must be collected:

- Provider's name (Medicaid ID, if known)
- Address
- Source of allegation
- Date allegation reported to NDDoH Immunization Program
- Description of suspected misconduct
- Specific VFC requirements violated
- Value of vaccine involved, if available
- Success of educational intervention
- Disposition (closed, referred, entered into educational process) of case and date of disposition

4. *FRAUD AND ABUSE DETECTION AND MONITORING*

Fraud or abuse can occur in many ways, and some types of fraud and abuse are easier for the VFC program to prevent or detect than others, depending on how the VFC program is implemented. The VFC program will use provider profiles, ordering patterns, VFC site visits, temperature logs and doses administered reports to monitor provider compliance with VFC program requirements. The VFC program should try 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 vaccine;
- Charging more than the established maximum regional charge for administration of a VFC vaccine to a federally vaccine-eligible child;

- Not providing VFC-eligible children VFC vaccine because of parents' inability to pay for the administration fee;
- Not implementing provider enrollment requirements of the VFC program;
- Failing to screen patients for VFC eligibility, or screening improperly;
- Failing to maintain VFC records and comply with other requirements of the VFC program;
- Failing to fully account for VFC vaccine;
- Failing to properly store and handle VFC vaccine;
- Ordering VFC vaccine in quantities or patterns that do not match provider profile or otherwise involve over-ordering of VFC doses;
- Excessive or unnecessary wastage of VFC vaccine.

Fraud and abuse situations that should be referred to an external agency include any of the above activities which, upon assessment, are found to have been conducted purposefully and with the intent to misrepresent or defraud the VFC program, and/or negligence of VFC responsibilities has occurred. Situations involving Medicaid will be referred to the North Dakota Medicaid program. All non-Medicaid situations will be referred to the Office of the Attorney General. [See Fraud and Abuse Referral Procedure]

If the suspected case is identified by Immunization Program staff, the program manager and VFC coordinator will be notified immediately. Within 5 working days, the appropriate Immunization Program staff member will contact the provider in question to perform an in-depth interview. This interview will be recorded using the Fraud and Abuse Report Form. Data to be collected includes dates, names of staff involved, method by which the suspect activity was identified, a narrative of the activity in question, any corrective actions taken by the Immunization Program staff, and any referrals made. If deemed appropriate, a referral to an external agency will be made. [See Fraud and Abuse Referral Procedure]

If the suspected case is identified by an outside individual, within 5 working days the appropriate Immunization Program staff member will first interview the individual and then the provider, again recording this information on the Fraud and Abuse Report Form. If deemed appropriate, a referral to an external agency will be made. [See Fraud and Abuse Referral Procedure]

A file will be started for the provider in question and a copy of all verbal and written correspondence retained. The Immunization Program will follow-up with the external agency within 7 working days, or sooner if further information needs to be shared.

The NDDoH will investigate all allegations of suspected fraud and abuse and will determine if the situation is intentional fraud and abuse or unintentional abuse or error due to excusable lack of knowledge of the VFC program with no purposeful intent to misrepresent of defraud the VFC Program. If the situation is found to be unintentional, an educational intervention will be made.

Immunization Program staff will provide in-depth education to the provider's key staff about the VFC program and North Dakota enrollment and accountability requirements. The provider will be required to complete and return a corrective action plan detailing the steps that will be taken to prevent further incidents. This signed plan must be returned to the Immunization Program within one month. The provider will also be required to sign an acknowledgment that it received additional education, and that any recurrence of suspected fraud and abuse may result in termination from the VFC program and referral to an external agency for investigation.

If the investigation determines the situation is intentional the situation will be reported to an external agency for investigation.

5. *FRAUD & ABUSE REFERRAL PROCEDURE*

If the VFC program determines from the assessment of information available that the situation requires referral for further investigation by an outside agency, the VFC program must make these referrals within 10 working days from assessment. **All suspected cases of fraud and abuse that require further investigation must be referred to the Medicaid Integrity Group (MIG).** All referrals will be sent to:

CMS Medicaid Integrity Group
(F) 410-786-0711
MIG_Fraud_Referrals@cms.hhs.gov

The Medicaid Integrity Group will then refer the case to the appropriate state Medicaid agency. The state Medicaid agency will conduct preliminary investigations and, as warranted, refer appropriate cases to the state's Medicaid Fraud Control Unit following the Federal Regulatory scheme found in 42 CFR section 455.15.

Upon receiving a suspected fraud and abuse case, an auditor/investigator will conduct a thorough investigation and compile a criminal report or audit report (depending on the type of case). The report is discussed with Utilization Review Management to determine course of action. Cases may then either be handled internally or referred to the Office of Inspector General or Attorney General's office. The entity taking action will be responsible for reporting any sanctions to the Office of Integrity for the national register. The contacts for Medicaid are:

Galen Hanson, Administrator, Fraud and Abuse
Medical Services Division Department of Human Services
600 E Boulevard. Ave, Department 325, Bismarck, ND 58505
701-328-4024
gehanson@nd.gov

or

Jodi Hulm, Administrator, Health Tracks/Healthy Steps Programs
Medical Services Division Department of Human Services
600 E Boulevard. Ave, Department 325, Bismarck, ND 58505
701-328-2323
jhulm@nd.gov

Allegations not involving Medicaid will be reported by the State Health Officer to the Office of the Attorney General within 5 working days requesting the assistance from the Office of the Attorney General. The contact for the Office of the Attorney General is:

Wayne Stenehjem, Attorney General
State Capitol
600 E. Boulevard Ave.
Dept. 125
Bismarck, ND 58505
701-328-2210

wstenehjem@nd.gov

If deemed necessary after review by the state Medicaid agency, fraud may be referred to the Department of Health and Human Services (DHS) Office of the Inspector General using the following link:

https://oig.hhs.gov/fraud/report-fraud/index.asp

Initial contact for referrals will be made by the Immunization Program to the appropriate agency via a phone call to the designated contact person. The Immunization Program will then provide the agency with written documentation, including a completed Fraud and Abuse Report Form, North Dakota Provider enrollment agreements and profiles, North Dakota Immunization Information System (NDIIS) data, and any other pertinent information that has been obtained. Follow-up contact may be made via phone or email but must be documented.

6. REPORTING OF VFC FRAUD AND ABUSE CASES TO THE CDC

All suspected cases of VFC fraud and abuse that are referred to the Medicaid Integrity Group for further follow-up must be reported to the grantee's Program Operations Branch (POB) project officer within two working days of the referral to the Medicaid Integrity Group. It is acceptable to copy the project officer on the referral to the Medicaid Integrity Group as the official report to the CDC.

North Dakota POB Project Officer

Nathan Crawford, MPH
1600 Clifton Rd, MS E-52, Atlanta, GA 30333
(P) 404-639-8242
nathan.crawford@cdc.hhs.gov

7. PERSONNEL TRAINING

All VFC program staff will be trained on how to prevent, identify and follow up on situations that involve suspected VFC fraud and abuse or non-compliance with VFC program requirements. All VFC program staff will be trained on the proper use of the Centers for Disease Control and Prevention's (CDC) *Non-compliance with VFC Provider Requirements Protocol*. The Fraud and Abuse policy will be disseminated to new employees as part of employee orientation and will be reviewed as part of new employee training. The North Dakota VFC Program Manual: Module 7 Fraud and Abuse outlines procedures to ensure the identification of fraud and abuse.

8. ENROLLMENT & EXCLUSION CHECKING PROCEDURE

The North Dakota Immunization Program will exclude providers from participating in the VFC program and the Prevention Partnership Program if the provider is found to be in non-payment status under Medicare, Medicaid, and other Federal health care programs. Exclusion of providers may also occur due to Office of Inspector General (OIG) sanction, failure to renew license or certification registration, revocation of professional license or certification, or termination by the North Dakota Medicaid Agency. The North Dakota Immunization Program will monitor OIG exclusions by checking the List of Excluded Individuals and Entities on the OIG website upon provider enrollment at exclusions.oig.hhs.gov/. This list will be checked monthly thereafter and compared to currently enrolled providers. Claims are not processed by Medicaid for providers on the OIG list. **Providers are strongly encouraged to check the OIG list of excluded**

individuals/entities on the OIG website prior to hiring or contracting with any individuals or entities. Enrolled providers who employ a person (including, but not limited to, physicians, mid-level practitioners, nurses or nursing aides) from the excluded provider list will be terminated from the program and the state Medicaid and MIG agencies will be notified.

The North Dakota Immunization Program also has the right to exclude providers that are not following any other Prevention Partnership Program requirements. Vaccine will be removed from the provider's possession and the provider will be prohibited from receiving future shipments until the exclusion is lifted. The excluded provider or entity will be required to re-apply for the Prevention Partnership Program after the exclusion is lifted. The North Dakota Immunization Program, State Attorney's Office, and the Medicaid Fraud and Abuse Unit will work closely together to share any information regarding allegations and exclusions due to fraud and abuse.

The North Dakota VFC Program Manual: Module 7 Fraud and Abuse outlines procedures regarding exclusion of providers from the VFC program.

9. REPORTING VFC PROVIDER TERMINATIONS

Providers that are terminated from the VFC program (both voluntarily and involuntarily) will be reported to the state Medicaid agency via email. [See Fraud and Abuse Referral Procedure, North Dakota Medicaid contacts]

10. ANNUAL REVIEW OF FRAUD AND ABUSE POLICY

This policy will be reviewed, at a minimum, annually. The NDDoH VFC Manager is responsible for maintaining and updating this policy. When updated, this policy must be reviewed and approved by the Immunization Program Manager and the Attorney General's Office. A copy of the updated policy will be sent to the Medicaid contacts.

11. FRAUD AND ABUSE AND PROVIDER ACCOUNTABILITY

North Dakota providers will sign an annual agreement, on behalf of all practitioners associated with their clinic, to adhere to the rules of the VFC and North Dakota Immunization Program.

The North Dakota Immunization Program recognizes that staff turnover is a frequent occurrence within clinics. North Dakota providers are required to train new staff regarding the Fraud and Abuse Policy and VFC requirements.

Providers may request education on the requirements of the Vaccines For Children (VFC) and Prevention Partnership programs for their staff at any time. This education may be accomplished through the use of compliance site visits or informative presentations. Providers interested in further education on program requirements should contact the North Dakota Immunization Program at 701.328.2378 or toll-free 800.472.2180.