

## *"Fraud, Waste and Abuse: Illegal Billing & Overpayments Under the Vaccines for Children Program," published in the Benefits Law Journal, Vol. 37, No. 4 Winter 2024, by Attorneys Abbye Alexander, Chris Tellner and Henry E. Norwood*

*In this article, the authors review the eligibility requirements for the Vaccines for Children (VFC) program and discuss proper billing guidelines established by the federal and state VFC programs and avenues available for recovering overpayments would prove beneficial for VFC providers and insurers.*

*In the late 1980s and early 1990s, a measles epidemic swept through the United States, resulting in hundreds of deaths. The disease spread rapidly among children, in particular. A surplus of measles vaccinations was available in the United States, which may have significantly curbed the impact of the epidemic. While supply was not an issue, the inability of American families to afford vaccines for their children played a major role in the outbreak.*

*In response, Congress passed the Omnibus Budget Reconciliation Act, creating the federal Vaccines for Children (VFC) program. The VFC program provides certain vaccinations to children at no cost.<sup>1</sup> The goal of the program is to remove the cost barrier preventing parents from ensuring their children are vaccinated and to decrease the risk of future outbreaks.*

### *Fraud, Waste and Abuse*

*Providers authorized under the VFC program are prohibited from billing patients or insurers for the cost of the vaccines themselves, since they are provided by the government free of charge. Despite this prohibition, there are several instances of providers, perhaps inadvertently, charging patients' insurers for the cost of vaccines and of insurers mistakenly paying these charges. Insurers often discover the mistake well after making payments and attempt to recover their overpayments from the provider. Such discoveries signal that a thorough review of program eligibility requirements, proper billing guidelines established by the federal and state VFC programs, and avenues available for recovering overpayments would prove beneficial for VFC providers and insurers. The following sets out to deliver just that.*

### THE VACCINES FOR CHILDREN PROGRAM: ELIGIBILITY

Under the VFC program, all children in the U.S. who are 18-years-old and younger are entitled to free vaccinations provided for by the program if they are:

- Eligible for Medicaid;
- Enrolled in CHIP;

See full article attachment.

Benefits Law Journal - 122024 - Fraud Waste and Abuse - Alexander, Tellner, Norwood

Copyright © 2024 CCH Incorporated. All Rights Reserved.

Reprinted from *Benefits Law Journal*, Winter 2024, Volume 37, Number 4, pages 15–21, with permission from Wolters Kluwer, New York, NY, 1-800-638-8437,