

TESTIMONY
Legislative Audit and Review Committee
March 27, 2012
Office of the Attorney General

Good morning, Chairman Ruby and members of the Legislative Audit and Review Committee. I am Tom Trenbeath, Chief Deputy Attorney General of this great state.

In response to first recommendation (item 1-1) of the performance audit, the Department of Health met with the Office of the Attorney General to review legal options. Our goal was and remains obtaining reimbursement for the cost of unaccounted for state supplied VFC vaccine administered by the provider to non-qualifying patients.

This office became involved when asked for assistance by the Department of Health. Upon meeting with the Department and discussing the underlying facts and concerns involved, this office requested that the State Auditor's Office perform an audit. The audit was requested in an effort to determine the amount of state supplied VFC vaccine administered by the provider to non-qualifying patients; to determine whether private insurance or individuals were billed and payment was received by the provider for state supplied VFC vaccine; and to determine the amount of profit, if any, realized by the provider in administering state supplied VFC vaccine to non-qualifying patients.

The performance audit concluded the provider had administered state-supplied VFC vaccine to non-qualifying patients, had billed private insurance for state-supplied VFC vaccine, and had not been maintaining an adequate supply of private vaccine for use by the provider for non-qualifying patients. The performance audit was unable to determine the extent of the benefit received by the provider due to the inaccuracies in the data entered into the North Dakota Immunization Information System by the provider.

We are currently working towards a resolution of the matter.