



OIG ISSUES COVID-19 GUIDANCE FOR FQHCs

April 5, 2021

On March 24, 2021, the Department of Health and Human Services Office of Inspector General (“OIG”) updated the [frequently asked questions](#) (“FAQs”) providing guidance on the flexibilities available to providers in responding to COVID-19. Specifically, as a part of this most recent update, the OIG provided guidance relating to federal qualified health centers (“FQHCs”) and the provision of free space for the administration of COVID-19 vaccinations.

In this update, the OIG notes the need for effective and expeditious administration of COVID-19 vaccines and recognizes the challenges of vaccine distribution in rural areas. The OIG observes that based on longstanding guidance, ordinarily if an FQHC were to provide free space to an actual or potential referral source, the Federal anti-kickback statute would be implicated. However, if an FQHC provides free use of space for a pharmacy to operate a vaccination clinic, and the pharmacy directs and operates all aspects of the clinic with no remuneration exchanged, the scenario would pose a low risk of fraud and abuse under the statute because of the unique circumstances of the COVID-19 public health emergency.

The OIG has provided a variety of [FAQs](#) addressing administrative enforcement authorities, beyond the one described above.

For questions on this or other COVID-19 related issues, please contact a member of Hancock Daniel’s [COVID-19 Task Force](#).

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