

Part 199.9

Administrative Remedies For Fraud, Abuse, And Conflict Of Interest

Revision:

Rule:

(a) General.

(b) Abuse.

(c) Fraud.

(d) Conflict of Interest.

(e) Dual Compensation.

(f) Administrative Remedies.

(1) Provider exclusion or suspension.

(i) Criminal conviction or civil judgment involving fraud by a provider--

(A) Criminal conviction involving CHAMPUS fraud.

(B) Criminal conviction involving fraud of other Federal programs.

(C) Criminal conviction involving fraud of non-Federal programs.

(D) Civil fraud involving CHAMPUS.

(E) Civil fraud involving other programs.

(ii) Administrative determination of fraud or abuse under CHAMPUS.

(iii) Administrative determination that the provider has been excluded or suspended by another agency of the Federal Government, a state, or local licensing authority.

(iv) Administrative determination that the provider has participated in a conflict of interest situation.

(v) Administrative determination that it is in the best interests of the CHAMPUS or CHAMPUS beneficiaries to exclude or suspend a provider--

(A) Unethical or improper practices or unprofessional conduct.

(B) In any other case in which the Director, OCHAMPUS (or designee), determines that exclusion or suspension of a provider is in the best interests of CHAMPUS or CHAMPUS beneficiaries.

(2) Provider termination.

(i) Effective date of termination.

(ii) Institutions not in compliance with CHAMPUS standards.

(A) Minor violations.

(B) Major violations.

(3) Beneficiary sanctions.

(g) Period of exclusion, suspension, or termination--

- (1) Exclusions or suspensions.
 - (i) Exclusion or suspension of a provider based on the provider's exclusion or suspension by another agency of the Federal Government, a state, or a local licensing authority.
 - (ii) Factors to be considered in determining the period of exclusion or suspension of providers under CHAMPUS.
 - (2) Terminations.
- (h) Procedures for initiating and implementing the administrative remedies--**
- (1) Temporary suspension of claims processing.
 - (2) Notice of proposed administrative sanction.
 - (3) Initial determination.
 - (4) Reinstatement procedures--
 - (i) Restitution.
 - (ii) Terminated providers.
 - (iii) Providers (other than entities) excluded or suspended under CHAMPUS.
 - (iv) Action on request for reinstatement.
 - (v) Notice of action on request for reinstatement--
 - (B) Notice of denial of request.
 - (5) Reversed or vacated convictions or civil judgments involving CHAMPUS fraud.
- (i) Evidence required for determinations to invoke administrative remedies--**
- (1) General.
 - (2) Types of evidence.
- (j) Suspending Administrative Action.**
- (k) Notice to Other Agencies.**
- (l) Compromise, Settlement, and Resolution Authority.**
- (m) Government-wide effect of exclusion or suspension from CHAMPUS.**