

## Part 199.9

# Administrative Remedies For Fraud, Abuse, And Conflict Of Interest

Revision:

Rule:

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- (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.**