

TABLE OF CONTENTS

PART 199.9

ADMINISTRATIVE REMEDIES FOR FRAUD, ABUSE, AND CONFLICT OF INTEREST

(a) General	1
(b) Abuse	1
(c) Fraud	3
(d) Conflict of Interest	4
(e) Dual Compensation	5
(f) Administrative Remedies	5
(1) Provider exclusion or suspension.....	5
(i) Criminal conviction or civil judgment involving fraud by a provider--.....	5
(A) Criminal conviction involving CHAMPUS fraud.....	5
(B) Criminal conviction involving fraud of other Federal programs.....	6
(C) Criminal conviction involving fraud of non-Federal programs.....	6
(D) Civil fraud involving CHAMPUS.....	6
(E) Civil fraud involving other programs.....	6
(ii) Administrative determination of fraud or abuse under CHAMPUS.....	6
(iii) Administrative determination that the provider has been excluded or suspended by another agency of the Federal Government, a state, or local licensing authority.....	7
(iv) Administrative determination that the provider has participated in a conflict of interest situation.....	7
(v) Administrative determination that it is in the best interests of the CHAMPUS or CHAMPUS beneficiaries to exclude or suspend a provider--.....	7
(A) Unethical or improper practices or unprofessional conduct.....	7
(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.....	7
(2) Provider termination.....	8
(i) Effective date of termination.....	8
(ii) Institutions not in compliance with CHAMPUS standards.....	9
(A) Minor violations.....	9
(B) Major violations.....	10
(3) Beneficiary sanctions.....	10
(g) Period of exclusion, suspension, or termination--	10
(1) Exclusions or suspensions.....	10
(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.....	10
(ii) Factors to be considered in determining the period of exclusion or suspension of providers under CHAMPUS.....	11

DHA Version - April 2005

DHA Version - April 2005

- (2) Terminations..... 12
- (h) Procedures for initiating and implementing the administrative remedies--..... 13**
 - (1) Temporary suspension of claims processing..... 13
 - (2) Notice of proposed administrative sanction. 15
 - (3) Initial determination. 16
 - (4) Reinstatement procedures-- 16
 - (i) Restitution..... 16
 - (ii) Terminated providers. 17
 - (iii) Providers (other than entities) excluded or suspended under CHAMPUS. . 17
 - (iv) Action on request for reinstatement. 18
 - (v) Notice of action on request for reinstatement-- 18
 - (B) Notice of denial of request. 18
 - (5) Reversed or vacated convictions or civil judgments involving CHAMPUS
 fraud..... 19
- (i) Evidence required for determinations to invoke administrative remedies-- 19**
 - (1) General. 19
 - (2) Types of evidence. 19
- (j) Suspending Administrative Action..... 20**
- (k) Notice to Other Agencies..... 20**
- (l) Compromise, Settlement, and Resolution Authority..... 20**
- (m) Government-wide effect of exclusion or suspension from CHAMPUS. 21**