

## **Guidelines for Recoveries and other Actions Post Confirmation of Fraud and other Irregularities**

Ayushman Bharat Pradhan Mantri Jan Arogya Yojana ( AB PM-JAY) is being implemented with a zero-tolerance approach towards any kind of fraud, covering entire gamut of activities for prevention, detection, and deterrence of different kinds of fraud that could occur in PM-JAY at different stages of its implementation.

This guideline– “Guidelines for recoveries and other actions post confirmation of fraud and other irregularities” would apply in instances where cases of fraud have been confirmed or other irregularities/misrepresentation of facts has been established on the part of an Empanelled Healthcare Provider (EHCP) under PM-JAY. This guideline should be read in conjunction with provision of other relevant guidelines issued by National Health Authority(NHA) such as Anti-fraud Guidelines, De-empanelment Guidelines, Grievance Redressal Guidelines, Whistle Blower Policy, Claims Adjudication and Claim Settlement Guidelines etc. and other legal recourse/provisions available to State for action against errant entities.

One or more of the following actions may be taken against an errant EHCP which has been found to have committed any irregularity and/or illegality and/or have violated guidelines and/ or terms and conditions of the agreement/MoU/contract:

- A. The ‘De-empanelment Guidelines’ has already been issued by NHA. As per relevant provision of this guideline and the MoU/contract signed between State and empanelled EHCP, process to be followed is outlined, wherein prima facie the EHCP is found to be indulging in malpractices/unethical practices. The key steps are as follows:
  1. **Issuance of ‘Show cause’ to errant EHCP:** Based on the audit of the EHCP, if the State Health Agency/ Insurance Company believes that there is clear evidence of EHCP indulging in malpractices/unethical practices or does not have adequate infrastructure/specialist manpower or has misrepresented facts for empanelment under the scheme, a show cause-notice shall be issued to the EHCP.
  2. **Suspension of EHCP:** For the EHCPs which have been issued show cause notice or if the State Empanelment Committee (SEC) observes at any stage that it has data/evidence that suggests that the EHCP is involved in any unethical practice or is not adhering to the major clauses of the MoU/contract with the Insurance Company or is involved in financial fraud related to treatment provided under the scheme, it may immediately suspend the EHCP from providing services under the scheme and a formal investigation shall be instituted.

3. **De-empanelment of EHCP:** If the formal investigation conducted confirms that the EHCP is indeed indulging in malpractices, the SEC may de-empanel the provider after following the due process of de-empanelment.
  4. **Recovery of amount including penalties from EHCP:** Once it is confirmed that the EHCP has been indulging in malpractices/ misrepresentation of facts, recovery of excess amount paid to EHCP for fraudulent claims or illegal collection of money from beneficiaries as well as penalties levied depending on the severity of the offence, as described under De-empanelment Guidelines, shall be made from EHCP.
- B. SHA may recover payment made against wrongful claims or penalties imposed or illegal collection of money from beneficiaries for treatment provided under the scheme from errant EHCPs by any of the following means:
1. Adjusting against any amount due to EHCP arising out of unpaid claims
  2. Recourse available under MoU/contractual provisions
  3. Recovery of the amount due (including penalties) as if it is a sum recoverable as an arrear of land revenue under provisions of the Revenue Recovery Act, 1890 and/or other relevant act(s).
- C. Legal and Punitive Action that can be taken against errant EHCP:
1. Suspension of EHCP from PM-JAY scheme
  2. De-empanelment of EHCP from PM-JAY scheme
  3. Actions like deregistration, cancellation of licence of EHCP under provisions and acts of State Govt. or any other relevant act of the Central Govt. such as the Clinical Establishment (Registration and Regulation) Act 2010 etc.
- D. Action against Doctors/ Paramedics: The information about errant medical and paramedical professionals found to be indulging in malpractices or unethical practices may be provided to the concerned Council or Professional body requesting for cancellation/suspension of relevant license/ registration.
- E. Action under Criminal Law: The criminal case (FIR) may be filed against the concerned under the relevant provisions of the applicable law.
- F. No appeal or revision against the order of recovery may be entertained by the competent authority unless minimum 50% of the amount ordered to be recovered is deposited by the EHCP.

These provisions should be included in all the agreements/MoU to be entered into with all EHCPs henceforth. This Guidelines shall also apply to existing MOUs/contracts signed between SHA and empanelled EHCP and may be incorporated by way of an Addendum to the contract w.e.f. date of issuance of the Guidelines.