



"Ayushman Bharat Pradhan Mantri Jan Arogya Yojna"

State Health Agency

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SACHIS

Letter : AB-PMJAY/Advisory/2019 / 1751

Lucknow : Date 19 Sep, 2019

**All EHCPs**

**Ayushman Bharat-PMJAY**

**Sub :- Guidelines for recoveries and other actions post confirmation of fraud and other irregularities.**

Please find attached Guidelines dated 17 September, 2019 issued by National Health Authority, Government of India on the subject as mentioned above. The provisions of these Guidelines will be treated as part of existing contract between State Health Agency and EHCPs. This may be treated as Addendum to the existing contract with effect from the date of circulation of these Guidelines by SHA.

(Dr. B.K. Pathak)

G.M.

Enclosure : As above

Copy to :

- 1- Joint Director, AB-PMJAY – for inclusion of these guidelines in contract documents of Hospitals to be empanelled in future and renewal of contracts of existing EHCPs.
- 2- All Implementation Support Agencies for information

(Dr. B.K. Pathak)

G.M.



CEO SACHIS &lt;sachisceo@gmail.com&gt;

## FW: Anti Fraud Advisory 11- Guidelines for recoveries and other actions post confirmation of fraud and other irregularities

1 message

Shakeel Ahmad &lt;shakeel.ahmad@nhaindia.in&gt;

Tue, Sep 17, 2019 at 5:56 PM

To: Sangeeta Singh &lt;sangeetasinghrsby@gmail.com&gt;, CEO SACHIS &lt;sachisceo@gmail.com&gt;

Cc: "Basant kr. Pathak" &lt;basantkrpathak@gmail.com&gt;, "snopmjay@gmail.com" &lt;snopmjay@gmail.com&gt;, "RSBY(UTTAR PRADESH)" &lt;uprsby@yahoo.co.in&gt;

*Dr Pathak / JD AB PMSTH  
Pl. circulate to concerned. Etc.  
it do the needful*

*Sachis  
17/09/19*

From: Dy. CEO

Sent: 17 September 2019 17:40

To: nhpmgujarat@gmail.com; cohealth@gujarat.gov.in; pmjaygoa@gmail.com; ceo@jeevandayee.gov.in; abnhpmbihar@yahoo.com; ceoshabihar@gmail.com; snopmjay@gmail.com; snajharkhand@gmail.com; snoabnhpm.hp@gmail.com; ceoap@ysraarogyasri.ap.gov.in; specialofficerkasp@gmail.com; ed.sasthfw@karnataka.gov.in; tnhealthinsurance@gmail.com; ayushmanuttarakhand@gmail.com; sha.phsc@gmail.com; sha.abpmjay.ani@gmail.com; nrhmchd@gmail.com; sanjeevanisvbch@gmail.com; dr.shaleenbhardwaj@gmail.com; heolakshadweep@gmail.com; drsmkms.gghpon@gmail.com; pmjaysha.assam@gmail.com; rsby.cg@gov.in; apcmuhis@gmail.com; ceo.sha.man@gmail.com; state.manager@mhis.org.in; info@mhis.org.in; shamizoram@gmail.com; Ayushman.bharat@mp.gov.in; nagaland.nhpm@gmail.com; abnhpmjk@gmail.com; pmjay.sikkim@gmail.com; shatripura@gmail.com; ayushmanbharatharyana@gmail.com

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Subject: Anti Fraud Advisory 11- Guidelines for recoveries and other actions post confirmation of fraud and other irregularities

Respected Sir/Madam,

I am directed to forward herewith a letter D.O. No. Dy CEO/ Advisory Note 11/ 2019 on dated 17<sup>th</sup> September, 2019 from Dr. Praveen Gedam, Deputy CEO, National Health Authority on the subject cited above.

With regards,

Rajiv Kumar Jha

Consultant,

Office of Deputy CEO,

National Health Authority

Ph- 011- 23468907

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Dr. Praveen Gedam, IAS

Deputy Chief Executive Officer,

National Health Authority (NHA),

Ayushman Bharat - Pradhan Mantri Jan Arogya Yojana (AB - PMJAY)

9<sup>th</sup> Floor, Tower 1, Jeevan Bharti Building,

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 **Anti Fraud Advisory Note 11.pdf**  
1202K

D.O. No. Dy CEO/ Advisory Note 11/ 2019  
17<sup>th</sup> September, 2019

**Subject: Guidelines for recoveries and other actions post confirmation of fraud and other irregularities**

**Dear Sir/Madam,**

NHA is seized of the concerns raised by State Health Agencies regarding difficulty in taking appropriate action against errant Empaneled Health Care Providers (EHCP) which have been confirmed to be involved in unethical and fraudulent malpractices under PM-JAY.

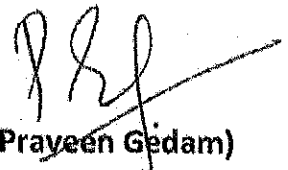
In this regard, we enclose 'Guidelines for Recoveries and other Actions Post Confirmation of Fraud and other Irregularities' which come into effect immediately. You are advised to inform all EHCPs in your State/UT and the insurance company/ISAs (as applicable) about inclusion of provisions of the Guidelines under existing contracts. The existing provisions, terms and conditions of contracts shall also be valid till the end of contract.

We hope the Guidelines shall be used effectively by States/UTs for taking stringent deterrent action against errant EHCP. Kindly confirm receipt and compliance.

**With regards,**

Encl: As Above

Yours sincerely



(Dr. Praveen Gedam)

To  
CEO of all the SHAs

Copy to:

1. All State Health Secretaries
2. PPS to, CEO, NHA
3. State Coordinators

## **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.