

**§ 1003.133 Statistical sampling.**

(a) In meeting the burden of proof set forth in §1005.15, the Inspector General may introduce the results of a statistical sampling study as evidence of the number and amount of claims and/or requests for payment as described in §1003.102 that were presented or caused to be presented by respondent. Such a statistical sampling study, if based upon an appropriate sampling and computed by valid statistical methods, shall constitute prima facie evidence of the number and amount of claims or requests for payment as described in §1003.102.

(b) Once the Inspector General has made a prima facie case as described in paragraph (a) of this section, the burden of production shall shift to respondent to produce evidence reasonably calculated to rebut the findings of the statistical sampling study. The Inspector General will then be given the opportunity to rebut this evidence.

[51 FR 34777, Sept. 30, 1986, as amended at 57 FR 3349, Jan. 29, 1992]

**§ 1003.134 Effect of exclusion.**

The effect of an exclusion will be as set forth in §1001.1901 of this chapter.

[57 FR 3349, Jan. 29, 1992]

**§ 1003.135 Reinstatement.**

A person who has been excluded in accordance with this part may apply for reinstatement at the end of the period of exclusion. The OIG will consider any request for reinstatement in accordance with the provisions of §§1001.3001 through 1001.3004 of this chapter.

[57 FR 3349, Jan. 29, 1992]

**PART 1004—IMPOSITION OF SANCTIONS ON HEALTH CARE PRACTITIONERS AND PROVIDERS OF HEALTH CARE SERVICES BY A QUALITY IMPROVEMENT ORGANIZATION**

**Subpart A—General Provisions**

Sec.

1004.1 Scope and definitions.

**Subpart B—Sanctions Under the QIO Program; General Provisions**

1004.10 Statutory obligations of practitioners and other persons.

1004.20 Sanctions.

**Subpart C—QIO Responsibilities**

1004.30 Basic responsibilities.

1004.40 Action on identification of a violation.

1004.50 Meeting with a practitioner or other person.

1004.60 QIO finding of a violation.

1004.70 QIO action on final finding of a violation.

1004.80 QIO report to the OIG.

1004.90 Basis for recommended sanction.

**Subpart D—OIG Responsibilities**

1004.100 Acknowledgement and review of report.

1004.110 Notice of sanction.

**Subpart E—Effect and Duration of Exclusion**

1004.120 Effect of an exclusion on program payments and services.

1004.130 Reinstatement after exclusion.

**Subpart F—Appeals**

1004.140 Appeal rights.

AUTHORITY: 42 U.S.C. 1302 and 1320c-5.

SOURCE: 60 FR 63640, Dec. 12, 1995, unless otherwise noted.

**Subpart A—General Provisions****§ 1004.1 Scope and definitions.**

(a) *Scope.* This part implements section 1156 of the Act by—

(1) Setting forth certain obligations imposed on practitioners and providers of services under Medicare;

(2) Establishing criteria and procedures for the reports required from quality improvement organizations (QIOs) when there is failure to meet those obligations;

(3) Specifying the policies and procedures for making determinations on violations and imposing sanctions; and

(4) Defining the procedures for appeals by the affected party and the procedures for reinstatements.

(b) *Definitions.* As used in this part, unless the context indicates otherwise—

*Dentist* is limited to licensed doctors of dental surgery or dental medicine.