

**DRAFT INSURANCE REGULATORY AND DEVELOPMENT AUTHORITY OF INDIA
(THIRD PARTY ADMINISTRATORS - HEALTH SERVICES) (AMENDMENT)
REGULATIONS, 2022**

F. No, IRDAI/Reg/xx/2022 — In exercise of the powers conferred by section 114A(2)(q), (r) and (s) read with Sec.42D and 42E of the Insurance Act, 1938 (4 of 1938) and sections 14 and 26 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999), the Authority, in consultation with the Insurance Advisory Committee, hereby makes the following regulations, to further amend the Insurance Regulatory and Development Authority of India (Third Party Administrators - Health Services) Regulations, 2016, namely: -

1. **Short title and commencement** — (1) These regulations may be called the Insurance Regulatory and Development Authority of India (Third Party Administrators - Health Services) (Amendment) Regulations, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Insurance Regulatory and Development Authority (Third Party Administrators - Health Services) Regulations, 2016,

a. For clause (d) of sub-regulation (2) of regulation 8, the following clause shall be substituted, namely:

“d. at least one of the directors of a TPA is a qualified Medical Practitioner as defined in the Guidelines on Standardization in Health Insurance.”

b. For clause (g) of sub-regulation (2) of regulation 8, the following clause shall be substituted, namely:

“g. the applicant has employed at least one person as mentioned in Regulation 11(1) of these regulations and has adequate experience to conduct the business of TPA;”

c. For clause (h) of sub-regulation (2) of regulation 8, the following clause shall be substituted, namely:

“h. the Whole Time Directors, Chief Executive Officer or Chief Administrative Officer and Chief Medical Officer of the applicant fulfils the fit and proper criteria as specified under these regulations;
Provided the above referred officials of the TPA shall also fulfil the fit and proper criteria on an ongoing basis.”

d. For sub-regulation (1) of regulation 11, the following sub-regulation shall be substituted, namely:

“(1) Every TPA shall appoint, from amongst its directors or senior employees, either a Chief Executive Officer (CEO) or a Chief Administrative Officer (CAO)

who shall be responsible for the day-to-day administration of the affairs of the TPA and for ensuring compliance of regulatory requirements.”

- e. For sub-regulation (2) of regulation 11, the following sub-regulation shall be substituted, namely:

“(2) Every TPA shall have a Chief Medical Officer (CMO) who shall be a qualified Medical Practitioner as defined in the Guidelines on Standardization in Health Insurance. Such a Chief Medical Officer shall be a full time employee of the TPA.”

- f. Sub-regulation (4) of regulation 11 shall be omitted.

- g. For sub-regulation (6) of regulation 19, the following sub-regulation shall be substituted, namely:

“(6) Where TPAs maintain files, data and other related information pertaining to the settlement of claims in electronic form, maintenance of the same by the TPAs again in physical form is dispensed with.”

- h. For sub-regulation (1) of regulation 20, the following sub-regulation shall be substituted, namely:

“(1) The insurers shall enter into suitable health services agreement with the TPAs wherever the TPAs are engaged for providing health services to policyholders. The terms of providing health services by a TPA shall be mutually agreed by the contracting parties. Insurers shall be responsible for providing effective cashless services to the policyholders. The Authority may specify guidelines in the matter of health services agreements.”

- i. Sub-regulation (2) of regulation 20 shall be omitted.

- j. Sub-regulation (3) of regulation 20 shall be omitted.

- k. Sub-regulation (5) of regulation 20 shall be omitted.

- l. For sub-regulation (6) of regulation 20, the following sub-regulation shall be substituted, namely:

“(6) Insurers are prohibited to pay to the TPAs any remuneration related to the product, linking to the claims experience or the reduction of claim costs or loss ratios.”

- m. In sub-regulation (8) of regulation 20, before the word “policyholders”, the word “affected” shall be inserted.

- n. For clause (a) of sub-regulation (8) of regulation 20, the following clause shall be substituted, namely:

“a. The contact details like helpline numbers, addresses etc. of a new TPA or other alternate arrangements made shall be immediately made available to the affected policyholders.”