



Medifraud prosecutions – Unrepresented defendants

Instruction Number: 2

Last Update: September 2012

1. Where offences under the *Health Insurance Act 1973* or the *Criminal Code* in relation to medifraud are proved, it may result in the practitioner becoming disqualified under the *Health Insurance Act*. Section 19B of the *Health Insurance Act* provides that a Medicare benefit is not payable to a practitioner for a service rendered by a practitioner who has been disqualified under sections 124F(2)(e) or 124F(2)(d).
2. If a defendant who is not represented indicates that he intends to plead guilty, the prosecution should ensure before a plea is entered that the defendant is aware of the effect of section 19B of the *Health Insurance Act*.
3. If the defendant is legally represented, there is no need for the prosecution to ensure that either he or she or his or her representative is aware of the effect of section 19B before a plea is entered.
4. If the defendant is convicted, or offences are proven, the prosecution should ensure that the Court is aware of the effect of section 19B of the *Health Insurance Act* before a sentence is imposed. The officer should also ensure that the Court is aware that provision exists for a disqualified practitioner to apply for modification of his or her disqualification.

A handwritten signature in black ink, appearing to read 'J. L. Carter', written over a horizontal line.

James Carter

Deputy Director (Revenue & Benefits Fraud Practice Group)

23/06/2014