Social Insurance Administration Regulation of the PRC

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Chapter I — General Provisions

Article 1 — This Regulation is formulated to regulate social insurance administration, optimize social insurance services, safeguard the safety of social insurance funds, protect the lawful rights and interests of employers and individuals, and promote social equity, in accordance with the Social Insurance Law of the People's Republic of China.

Article 2 — This Regulation applies to the administration of basic old-age insurance, basic medical insurance, work-related injury insurance, unemployment insurance, maternity insurance, and other social insurance prescribed by the State.

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Article 3 — Social insurance administration work shall adhere to the leadership of the Communist Party of China, be people-centered, and follow the principles of legality, convenience for the people, timeliness, openness, and safety.

Article 4 — The human resources and social security administrative department of the State Council shall be in charge of the administration of basic old-age insurance, work-related injury insurance, unemployment insurance, and other social insurance nationwide. The medical security administrative department of the State Council shall be in charge of the administration of basic medical insurance, maternity insurance, and other social insurance nationwide.

The human resources and social security administrative departments of local people's governments at or above the county level shall be in charge of the administration of basic old-age insurance, work-related injury insurance, unemployment insurance, and other social insurance according to the level of overall planning. The medical security administrative departments of local people's governments at or above the county level shall be in charge of the administration of basic medical insurance, maternity insurance, and other social insurance according to the level of overall planning.

Article 5 — The human resources and social security administrative department, the medical security administrative department, and other relevant departments of the State Council shall, according to their respective duties, closely cooperate and coordinate with one another to jointly do a good job in social insurance administration work.

Local people's governments at or above the county level shall strengthen leadership over social insurance administration work within their administrative regions, strengthen the building of social insurance administration capacity, and provide safeguards for social insurance administration work.

Chapter II — Social Insurance Registration and Relationship Transfer

Article 6 — Employers shall complete social insurance registration simultaneously with their registration with the registration administration authorities.

Individuals applying for social insurance registration shall use their citizen identity number as their social security number and obtain a social security card and a medical insurance electronic voucher. Social insurance administration institutions shall complete the process within 10 working days from the date of receipt of the application.

Article 7 — The social security card is the voucher for individuals to participate in basic old-age insurance, basic medical insurance, work-related injury insurance, unemployment insurance, maternity insurance, and other social insurance and to enjoy various social insurance benefits, including both the physical social security card and the electronic social security card.

The medical insurance electronic voucher is the voucher for individuals to participate in basic medical insurance, maternity insurance, and other social insurance and to enjoy basic medical insurance, maternity insurance, and other social insurance benefits.

Article 8 — Registration administration authorities shall share information on the establishment, change, and cancellation of registration of employers with social insurance administration institutions; public security, civil affairs, health, judicial administration, and other departments shall share with social insurance administration institutions information on individuals' birth, death, household registration, relocation, cancellation, and other matters.

Article 9 — Where there are changes in an employer's nature, bank account, employment, and other insurance participation information, or changes in an individual's insurance participation information, the employer and the individual shall promptly notify the social insurance administration institution. The social insurance administration institution shall compare and verify the insurance participation information provided

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by the employer and the individual with the shared information.

Article 10 — Where an employer or individual applies to change or cancel social insurance registration, the social insurance administration institution shall complete the process within 10 working days from the date of receipt of the application. Where an employer cancels social insurance registration, it shall first settle its outstanding social insurance premiums, late payment surcharges, and fines.

Article 11 — Social insurance administration institutions shall promptly, completely, and accurately record the following information:

(1) social insurance registration status;

(2) social insurance premium payment status;

(3) enjoyment of social insurance benefits;

(4) individual account status;

(5) other information related to social insurance administration.

Article 12 — Where an individual participating in basic old-age insurance for employees seeks employment across regions with different overall planning, their basic old-age insurance relationship for employees shall be transferred accordingly.

Where an individual participating in basic old-age insurance for employees moves between different types of employers such as government institutions, public institutions, and enterprises, their basic old-age insurance relationship for employees shall be transferred accordingly.

Where an individual participating in basic old-age insurance for urban and rural residents who has not yet enjoyed benefits relocates their household registration across regions with different overall planning, their basic old-age insurance relationship for urban and rural residents may be transferred accordingly.

Article 13 — Where an individual participating in basic medical insurance for employees seeks employment across regions with different overall planning, their basic medical insurance relationship for employees shall be transferred accordingly.

Where an individual participating in basic medical insurance for urban and rural residents relocates their household registration or changes their habitual residence across regions with different overall planning, their basic medical insurance relationship for urban and rural residents may be transferred accordingly in accordance with regulations.

The transfer of the relationship between basic medical insurance for employees and basic medical insurance for urban and rural residents shall be implemented in accordance with regulations.

Article 14 — Where an individual participating in unemployment insurance seeks employment across regions with different overall planning, their unemployment insurance relationship shall be transferred accordingly.

Article 15 — Where an individual participating in work-related injury insurance or maternity insurance seeks employment across regions with different overall planning, they shall participate in work-related injury insurance or maternity insurance at their new place of employment.

Article 16 — Where an employer or individual handles procedures for the transfer and continuation of social insurance relationships, the social insurance administration institution shall complete the process within the prescribed time limit and inform the employer and the individual of the result, or provide inquiry services on the status of the process.

Article 17 — Military organs and social insurance administration institutions shall handle procedures for the transfer and continuation of military insurance and social insurance relationships according to their respective duties.

Social insurance administration institutions shall give priority to providing services for the transfer and continuation procedures of military insurance and social insurance relationships.

Chapter III — Determination and Payment of Social Insurance Benefits

Article 18 — Employers and individuals shall apply to social insurance administration institutions for the receipt of basic old-age pensions in accordance with State regulations. Social insurance administration institutions shall complete the process within 20 working days from the date of receipt of the application.

Article 19 — Where an individual participating in basic old-age insurance for employees dies, or an unemployed person dies during the period of receiving unemployment insurance benefits, their surviving dependents may apply to the social insurance administration institution for funeral subsidies and bereavement pensions in accordance with law. The social insurance administration institution shall promptly verify the relevant circumstances and determine and pay the funeral subsidies and bereavement pensions in accordance with regulations.

Article 20 — The portion of individual medical expenses and maternity medical expenses that shall be paid from the basic medical insurance (including maternity insurance) fund shall, after review by the social insurance administration institution, be settled directly with medical institutions and pharmaceutical business entities.

Where an individual applies for manual reimbursement due to special circumstances, they shall provide the social insurance administration institution with receipts, expense lists, diagnostic certificates, and medical record materials from medical institutions and pharmaceutical business entities. The social insurance administration institution shall review the receipts, expense lists, diagnostic certificates, and medical record materials and complete the process within 30 working days from the date of receipt of the application.

Where an individual participating in maternity insurance applies for a maternity allowance, they shall provide medical record materials to the social insurance administration institution. The social insurance administration institution shall review the medical record materials and complete the process within 10 working days from the date of receipt of the application.

Article 21 — Employees with work-related injuries and their employers who apply in accordance with law for labor capacity assessment, confirmation of the configuration of assistive devices, confirmation of extension of the period of suspension of work with pay, and confirmation of recurrence of old work-related injuries shall provide diagnostic certificates and medical record materials to the social insurance administration institution.

Article 22 — The portion of an individual's medical expenses for work-related injury treatment, rehabilitation expenses, and expenses for the installation and configuration of assistive devices that shall be paid from the work-related injury insurance fund shall, after review by the social insurance administration institution, be settled directly with medical institutions and assistive device configuration institutions.

Where an employer or individual applies for manual reimbursement due to special circumstances, they shall provide the social insurance administration institution with receipts, expense lists, diagnostic certificates, and medical record materials from medical institutions and assistive device configuration institutions. The social insurance administration institution shall review the receipts, expense lists, diagnostic certificates, and medical record materials and complete the process within 20 working days from the date of receipt of the application.

Article 23 — The human resources and social security administrative departments and medical security administrative departments shall, according to their respective duties, establish and improve the settlement system for medical expenses incurred for medical treatment away from one's place of insurance. Social insurance administration institutions shall do a good job in the settlement of medical expenses for medical treatment away from one's place of insurance.

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Article 24 — Where an individual applies for unemployment insurance benefits, the social insurance administration institution shall complete the process within 10 working days from the date of receipt of the application.

During the period in which an individual receives unemployment insurance benefits, the social insurance administration institution shall pay from the unemployment insurance fund the basic medical insurance (including maternity insurance) premiums that the individual should pay.

Where an individual applies for vocational training and other subsidies, they shall provide a vocational qualification certificate or vocational skill level certificate. The social insurance administration institution shall review the vocational qualification certificate or vocational skill level certificate and complete the process within 10 working days from the date of receipt of the application.

Article 25 — Where an individual is subject to circumstances prescribed by the State for ceasing to enjoy social insurance benefits, the employer, the benefit recipient, or their relatives shall notify the social insurance administration institution within 20 working days from the date the relevant circumstances arise. After verification, the social insurance administration institution shall cease paying the corresponding social insurance benefits.

Article 26 — Social insurance administration institutions shall verify eligibility to enjoy social insurance benefits through information comparison, self-service authentication, and other means. Where eligibility to enjoy social insurance benefits cannot be confirmed through information comparison, self-service authentication, or other means, the social insurance administration institution may entrust an employer or a third-party institution to carry out verification.

Where a person is suspected of continuing to enjoy benefits after losing eligibility to enjoy social insurance benefits, the social insurance administration institution shall investigate and verify. Where it is confirmed through investigation that the person is not eligible to enjoy social insurance benefits, payment of benefits shall be ceased.

Chapter IV — Social Insurance Administration Services and Management

Article 27 — Social insurance administration institutions shall rely on social insurance public service platforms, medical security information platforms, and other platforms to achieve cross-departmental and cross-regional social insurance administration.

Article 28 — Social insurance administration institutions shall promote the coordinated handling of social insurance administration matters and related government service matters. Social insurance administration service windows shall be stationed in government service centers to provide one-stop services for employers and individuals.

Human resources and social security administrative departments and medical security administrative departments shall strengthen social insurance administration service capacity and achieve full coverage at the provincial, municipal, county, township (subdistrict), and village (community) levels.

Article 29 — Employers and individuals may handle social insurance matters through government websites, mobile terminals, self-service terminals, and other service channels, or on-site at social insurance administration service windows.

Article 30 — Social insurance administration institutions shall strengthen the construction of accessible environments, provide accessible information exchange, improve accessible service facilities and equipment, and adopt methods such as authorized handling and door-to-door services to provide convenience for special groups such as the elderly and persons with disabilities.

Article 31 — Where a social insurance administration institution requires an employer or individual to provide supporting materials other than identity documents when handling social insurance matters, such

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requirement shall be based on laws, regulations, or decisions of the State Council.

Article 32 — Social insurance administration institutions shall provide employers and individuals, free of charge, with services such as inquiry and verification of social insurance premium payments and records of enjoyment of social insurance benefits, and social insurance consultation.

Article 33 — Social insurance administration institutions shall, based on the needs of administration work, negotiate and sign service agreements with qualified institutions to regulate social insurance service conduct. Human resources and social security administrative departments and medical security administrative departments shall strengthen supervision of the conclusion and performance of service agreements.

Article 34 — Social insurance administration institutions subordinate to medical security administrative departments shall improve fund payment and settlement services, strengthen the administration of service agreements, and establish and improve collective consultation and negotiation mechanisms.

Article 35 — Social insurance administration institutions shall properly keep social insurance administration information to ensure the completeness, accuracy, and security of the information.

Article 36 — Social insurance administration institutions shall establish and improve internal control systems for business, finance, safety, and risk management.

Social insurance administration institutions shall regularly inspect and evaluate the formulation and implementation of internal control systems and rectify problems discovered.

Article 37 — Social insurance administration institutions shall clarify post responsibilities and authorities, and carry out hierarchical review of key business and high-risk business.

Article 38 — Social insurance administration institutions shall strengthen the application management of information systems, improve information verification mechanisms, and record the process of business administration.

Article 39 — Social insurance administration institutions shall specifically prepare the draft social insurance fund budget for the next year and submit it to the human resources and social security administrative departments and medical security administrative departments at the same level for review and aggregation. The draft social insurance fund revenue budget shall be specifically prepared by social insurance administration institutions in conjunction with social insurance premium collection institutions.

Article 40 — Social insurance administration institutions shall establish social insurance fund expenditure accounts for receiving funds allocated from special fiscal accounts, paying fund expenditures, submitting funds to higher-level administration institutions, and allocating funds to lower-level administration institutions.

Article 41 — Social insurance administration institutions shall carry out accounting and reconciliation of social insurance funds in accordance with the unified accounting system of the State.

Article 42 — Social insurance administration institutions shall inspect the following matters:

(1) social insurance registration and enjoyment of benefits;

(2) performance of service agreements by social insurance service institutions and implementation of expense settlement items and standards;

(3) other matters prescribed by laws and regulations.

Article 43 — Where a social insurance administration institution discovers that a social insurance service institution has violated a service agreement, it may urge the institution to perform the service agreement, and in accordance with the service agreement, suspend or withhold payment of expenses, recover non-compliant expenses, suspend the social insurance services involving the use of social insurance funds

by the relevant responsible persons or their departments, and even terminate the service agreement; the social insurance service institution and its relevant responsible persons shall have the right to make statements and defenses.

Article 44 — Where a social insurance administration institution discovers that an employer, individual, or social insurance service institution has violated social insurance laws, regulations, or rules, it shall order rectification. Where rectification is refused or where the matter should be handled by the human resources and social security administrative departments or medical security administrative departments in accordance with law, it shall be promptly transferred to the human resources and social security administrative departments or medical security administrative departments for handling.

Article 45 — The human resources and social security administrative departments and medical security administrative departments of the State Council shall, in conjunction with relevant departments, establish a social insurance credit management system and clarify the criteria for determining the list of entities with serious breaches of trust in the field of social insurance.

Social insurance administration institutions shall truthfully record breaches of trust such as violations of social insurance laws and regulations by employers, individuals, social insurance service institutions, and their staff.

Article 46 — Where an individual has over-enjoyed social insurance benefits, the social insurance administration institution shall order the individual to return the excess. Where it is difficult to return the excess in one lump sum, a repayment agreement may be signed for installment return, or the excess may be deducted from subsequent social insurance benefits or the individual account balance.

Chapter V — Supervision of Social Insurance Administration

Article 47 — The human resources and social security administrative departments and medical security administrative departments shall, according to their respective duties, supervise and inspect the following matters of social insurance administration institutions:

(1) implementation of social insurance laws, regulations, and rules;

(2) administration matters such as social insurance registration and benefit payment;

(3) social insurance fund management;

(4) conclusion and performance of service agreements with social insurance service institutions;

(5) other matters prescribed by laws and regulations.

Financial departments and audit organs shall, according to their respective duties, supervise the relevant work of social insurance administration institutions in accordance with law.

Article 48 — The human resources and social security administrative departments and medical security administrative departments shall, according to their respective duties, strengthen supervision and inspection of compliance with social insurance laws, regulations, and rules by social insurance service institutions, employers, and individuals. Social insurance service institutions, employers, and individuals shall cooperate and truthfully provide materials related to social insurance, and shall not refuse inspection or make false or concealed reports.

Where the human resources and social security administrative departments or medical security administrative departments discover that a social insurance service institution or employer has violated social insurance laws, regulations, or rules, they shall put forward handling opinions according to their respective duties, urge rectification, and may interview the relevant responsible persons.

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Article 49 — The human resources and social security administrative departments, medical security administrative departments, social insurance administration institutions, and their staff shall protect the information of employers and individuals in accordance with law and shall not disclose it in any form.

Article 50 — The human resources and social security administrative departments and medical security administrative departments shall keep supervision channels open and encourage and support supervision of social insurance administration by all sectors of society.

Social insurance administration institutions shall regularly publish to the public information on participation in social insurance and the revenue, expenditure, balance, and returns of social insurance funds, listen to the opinions and suggestions of employers and individuals, and accept social supervision.

Trade unions and enterprise representative organizations shall promptly reflect the opinions and suggestions of employers and individuals on social insurance administration.

Article 51 — Any organization or individual shall have the right to report or complain about conduct that violates social insurance laws, regulations, or rules.

The human resources and social security administrative departments and medical security administrative departments shall handle reports and complaints concerning social insurance that they receive in accordance with law.

Article 52 — Where an employer or individual believes that a social insurance administration institution has infringed upon their social insurance rights and interests in social insurance administration work, they may apply for administrative reconsideration or file an administrative lawsuit in accordance with law.

Chapter VI — Legal Liability

Article 53 — Where a social insurance administration institution or its staff commits any of the following acts, the human resources and social security administrative departments or medical security administrative departments shall order rectification according to their respective duties; where losses are caused to social insurance funds, employers, or individuals, compensation shall be borne in accordance with law; and the responsible leaders and directly responsible persons shall be disciplined in accordance with law:

(1) failing to perform statutory social insurance duties;

(2) requiring the provision of supporting materials in violation of regulations;

(3) withholding or failing to pay social insurance benefits on time;

(4) losing or tampering with social insurance data and individual rights records such as premium payment records and records of enjoyment of social insurance benefits;

(5) violating internal control systems for social insurance administration.

Article 54 — Where the human resources and social security administrative departments, medical security administrative departments, social insurance administration institutions, or their staff disclose the information of employers or individuals, the responsible leaders and directly responsible persons shall be disciplined in accordance with law; where losses are caused to employers or individuals, compensation shall be borne in accordance with law.

Article 55 — Where anyone defrauds social insurance fund expenditures by fraud, forging supporting materials, or other means, the human resources and social security administrative departments or medical security administrative departments shall order return of the funds according to their respective duties and impose a fine of not less than two times but not more than five times the defrauded amount; where the party is a designated medical institution or designated pharmaceutical institution, it shall be ordered to suspend the social insurance services involving the use of social insurance funds by the relevant responsible

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departments for not less than six months but not more than one year, and the social insurance administration institution may even terminate the service agreement; where the party is another social insurance service institution, the social insurance administration institution shall terminate the service agreement. Where the responsible leaders and directly responsible persons hold practice qualifications, the relevant competent departments shall revoke their practice qualifications in accordance with law.

Article 56 — Where anyone conceals, transfers, misappropriates, or embezzles social insurance funds or invests and operates them in violation of regulations, the human resources and social security administrative departments, medical security administrative departments, financial departments, and audit organs shall order recovery of the funds according to their respective duties; where there are illegal gains, the illegal gains shall be confiscated; and the responsible leaders and directly responsible persons shall be disciplined in accordance with law.

Article 57 — Where a social insurance service institution refuses supervision and inspection by the human resources and social security administrative departments or medical security administrative departments, or makes false or concealed reports of relevant circumstances, the human resources and social security administrative departments or medical security administrative departments shall order rectification according to their respective duties and may interview the relevant responsible persons; where rectification is refused, a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed.

Article 58 — Where a public official abuses power, neglects duty, or engages in malpractice for personal gain in social insurance administration work, they shall be disciplined in accordance with law.

Article 59 — Where a violation of this Regulation constitutes a violation of public security administration, public security administration penalties shall be imposed in accordance with law; where it constitutes a crime, criminal liability shall be pursued in accordance with law.

Chapter VII — Supplementary Provisions

Article 60 — For the purposes of this Regulation, "social insurance administration institutions" means institutions subordinate to the human resources and social security administrative departments that administer basic old-age insurance, work-related injury insurance, unemployment insurance, and other social insurance, and institutions subordinate to the medical security administrative departments that administer basic medical insurance, maternity insurance, and other social insurance.

Article 61 — For the purposes of this Regulation, "social insurance service institutions" means medical institutions, pharmaceutical business entities, assistive device configuration institutions, institutions entrusted with unemployment insurance training, and other institutions that have signed service agreements with social insurance administration institutions to provide social insurance services.

Article 62 — Social security cards may be loaded with financial functions; regions with the necessary conditions may expand the application scope of social security cards to improve the effectiveness of people's livelihood services. Medical insurance electronic vouchers may be loaded with relevant service functions as needed.

Article 63 — This Regulation shall come into force on December 1, 2023.

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