

Frequently Asked Questions about CMS (the Sunshine Act) Open Payments Database

1. Do I have to do this?
No, but if you don't, you have less ability to dispute incorrect data. It is also likely that publications such as Pro Publica will be scanning the data and writing articles on physicians who have substantial payments attributed to them. Because Stanford has publically available policies about acceptance of such payments and because we are a high visibility research oriented institution, it is certainly possible that our faculty would be the subject of such articles
2. Is the process difficult?
CMS has information on its web site on how to establish identity and how to register but it will not be a simple process. Their system is buggy and seems to have a lot of "looping" issues. It will take perseverance. What is looping? It is when you click a page/button to move forward and the page goes back to where you were previously, sometimes a few clicks backwards and you have to move forward again by repeating the steps you took to get there.
3. Can I have someone handle this for me?
Yes, but only after you, the physician, has registered, you can appoint one delegate to monitor your records. You have to "affirm or dispute" each record, your delegate will have "read-only" access.
4. Are only payments made to me personally reported?
No, transfers of value may be meals or travel, and research payments may have only been made to the University, but could be attributed to the PI as an indirect payment. Moreover, payments may be miss-reported (e.g. sponsored research or travel support reported under consulting income) or the same payment could be reported more than once.
5. What is the process for dispute resolution?
CMS is still working on it, but has made clear that it will be between the manufacturer and the physician. CMS will not intervene. How each company will approach this may vary and we anticipate that it may be problematic.
6. What happens if the manufacturer and I don't agree at the end of the period?
You can continue to attempt to resolve it, but the data will be published as submitted by the manufacturer with a notation that shows it was disputed.
7. Where do I go to register and verify my identity when the Physician Payment database opens?
Go to: <https://portal.cms.gov>. This site is where you register, establish your profile, and review your data. In addition, you will find more detailed information, FAQs, and the Helpline number. Stanford resources include the Conflict of Interest Website (<https://doresearch.stanford.edu/research-scholarship/conflicts-interest/coi-training-and-other-information>) and Spectrum (<http://spectrum.stanford.edu>). The AAMC, AMA, and other organizations should also have information posted.
8. When do I need to complete this by?
Physicians have until August 27, 2014 to review their data and dispute whatever they feel is not accurate before it is made public on September 30, 2014.
9. What happens when I dispute a record and it is not resolved by industry?
Physicians have a 45-day period (July 14 through August 27, 2014) to review and initiate any disputes they may have, and Industry has a 15-day period (August 28 through September 11, 2014) resolve and submit corrections. Disputed data which is not resolved will be published on the public website on September 30, 2014, but will be marked as disputed.