

Physician Payment Sunshine Act FAQs

Physician Payment Sunshine Act (Act)

Why is the Physician Payment Sunshine Act important to me?

Data regarding any type of value provided to you by a covered entity (mainly pharmaceutical and device manufacturers) will be reported on a publically accessible website. If, during the data collection timeframe, you have accepted anything of value, it will be reported. The following are a few examples of the transfers of value that will be reported via the CMS website.

- Accepted a plated meal sponsored by a covered entity during a conference.
- Accepted any form of honorarium, consulting or speaking fee.
- Accepted sponsored travel or reimbursement for travel.
- Served as the principal investigator on a research project sponsored by a covered entity.
- Allowed a covered entity to provide food for your staff.
- Accepted a gift valued at over \$10 from a covered entity.
- Participated in entertainment sponsored by a covered entity.

What is the Physician Payment Sunshine Act?

The Physician Payment Sunshine Act (Act), part of the Affordable Care Act, requires manufacturers of drugs, medical devices, biological, or medical supplies, and group purchasing organizations, to report all financial transactions/transfers of value to physicians and teaching hospitals. Ownership and investment interests of physicians and their immediate family members in these companies are also reportable. Manufacturers will be required to submit the compiled reports to the Center for Medicare and Medicaid Services (CMS) on an annual basis. The information will then be made available on a public, searchable website. The program implementing the requirements of the Act is called "Open Payments" and will be administered by CMS.

What is the purpose of the Act?

The Act establishes a national disclosure program that promotes transparency by publishing the financial relationships between the medical industry and healthcare providers (physicians and hospitals) on a publicly accessible website.

Why haven't I heard of this in the past, is this new?

Yes. As part of the Affordable Care Act, Congress passed the Act in 2010; CMS has been preparing to initiate the new law. The first set of data, collected from August 1, 2013 to December 31, 2013, was required to be reported to CMS by March 31, 2014. It will be published by CMS on September 30, 2014 after a review period. Going forward, data will be collect on a calendar year schedule and reported publicly on June 30th of each year.

As a physician, what are my responsibilities under the Act?

Technically, you have no responsibilities under the act. However you are strongly urged to register within the CMS system so you may review any transfers of value attributed to you. The only way you will be able to review and dispute any transfer of value is if you are registered on the CMS website.

Registration

What should I do?

It is strongly recommended that anyone in the following groups register with CMS:

- Doctors of Medicine
- Doctors of Osteopathy
- Doctors of Dentistry
- Doctors of Dental Surgery
- Doctors of Podiatry
- Doctors of Optometry
- Doctors of Chiropractic Medicine

Data will not be reported on other healthcare professionals such as:

- Residents
- Medical Students
- Allied health professionals
- Non-physician prescribers
- Employees of manufacturers

When is the deadline for registering?

There is no deadline for registering. However, if you want to review the data that will be published on September 30, 2014, you will need to register prior to June 30, 2014. Thereafter, registration will remain open continuously to access data for future years. Currently, registration is expected to open on or around June 1, 2014.

How do I register?

- Go to the CMS website (<https://portal.cms.gov>)
- Click “New User Registration”
- Complete the requested information.

You will receive a confirmation email with your user name and password. This creates an account on the CMS Enterprise Portal. However, you must now request access to the Open Payments data.

How do I get access to the Open Payments data?

After creating an account to access the CMS Enterprise Portal, you must follow these steps to access the Open Payments data.

- Click “Login to CMS Secure Portal” at <https://portal.cms.gov>
- Accept the terms and conditions
- Login to your CMS Enterprise Portal account
- Click “Request Access Now”

- Under “My Access” click “Request New Application Access”
- Select “Application Description” “OPENPAYMENTS-Open Payments” in the drop down menu
- Select “Role” of “Open Payments User”
- Follow the prompts to accept terms and enter your personal data

Why do they ask for my Social Security Number?

This is an optional field but providing your social security number can facilitate identity verification.

Published Data

What personal data will be published?

Physician, name, address, NPI number, and other identifying information based on the National Plan and Provider Enumeration System (NPPES) database.

What is included in payments and transfers of value?

Any type of payments or transfers of value to physicians including:

- Consulting fees
- Compensation for services other than consulting, including serving as faculty or as a speaker at an event other than a continuing education program
- Honoraria
- Gifts
- Entertainment
- Food and beverage
- Travel and lodging
- Education
- Research
- Charitable contributions
- Royalty or license
- Current or prospective ownership or investment interest
- Compensation for serving as faculty or as a speaker for an unaccredited and non-certified continuing education program
- Compensation for serving as faculty or as a speaker for an accredited or certified continuing education program
- Grants

What transfers of value will not be reported?

- Buffets, snacks, soft drinks or coffee made available to all participants at a conference.
- Small incidental items valued at less than \$10 that are provided at large-scale conferences and events.
- Educational materials that directly benefit patients or that are intended to be used by or with patients are not reportable.
- Speaker compensation at CME events provided certain criteria are met.

How do I dispute incorrect data?

- Physicians will have at least 45 days to challenge reports once CMS provides access to individual physicians' consolidated industry reports via an online portal. The portal will allow physicians to contact the manufacturer(s)/GPO(s) that submitted inaccurate, misleading, or false information in order to resolve disputed submissions.
- If a physician and manufacturer(s)/GPO(s) cannot resolve the dispute, they are provided an additional 15 days before the report is made public to try to achieve resolution.
- If resolution is still not reached, the disputed information will be flagged, but the report will be posted on the public webpage CMS develops for all transparency reports.
- Physicians are also able to seek correction or contest reports for two years after access has been provided to a report with disputed information.
- Once CMS establishes the online portal, physicians will be urged to sign up to receive direct notice when the reports are made available to physicians prior to CMS posting on the public website.

Under whose name will research funding be reported?

Research funding will be reported under the names of up to five principal investigators. Payments will not be attributed to sub-researchers.

Will only payments made directly to me from a covered entity be reported?

No. Payments made in several ways will be reported.

- Direct payments or transfers to the physician
- Third party payments or transfers
- Indirect payments or transfers
- Ownership & Investment Interest (including immediate family members of physicians)