

Physician Payments Sunshine Act

What is the Physician Payments Sunshine Act:

Signed into law in 2010 as part of the Affordable Care Act, the Physician Payments Sunshine Act (the "Sunshine Law") requires manufacturers, including certain distributors, of medical devices, drugs, biologicals, and medical supplies to track and report certain payments made to and transfers of value provided to physicians and teaching hospitals. The Sunshine Law also requires manufacturers and Group Purchasing Organizations (GPOs) to report certain ownership and investment interests held by physicians and their immediate family members.

What is the Timing on the Sunshine Act Requirements:

- Aug. 1, 2013: Manufacturers and GPOs are required to begin collecting information about payments, transfers of value, and ownership interests.
- Mar. 31, 2014: First manufacturer / GPO report is due. This report must cover August " December 2013 payments/ transfers of value and ownership interests. Subsequent reports will cover an entire calendar year and be due the 90th day of the following year.
- Aug. 2014 (in subsequent years, during the month of May): Physicians and teaching hospitals may access their own data via secure online portal for review and correction.
- 45 Days to Review and Initiate Disputes
- 15 Days to Resolve Disputes
- Sept. 30, 2014: 2013 data published on a public website by CMS. In subsequent years, information will be published on June 30.

Who is Required to Report:

- Manufacturers of medical devices, drugs, biologicals, and medical supplies operating in the United States, including certain wholesalers/distributors and certain entities under common ownership (5% or more) with a Manufacturer (collectively, "Manufacturers") must submit Transparency Reports annually to CMS on Payments / Transfers of Value given to Physicians and Teaching Hospitals;
- Group Purchasing Organizations (GPOs) and Manufacturers must report ownership and investment interests held by Physicians or their Immediate Family Members and any Payments / Transfers of Value to Physician Owner/Investors.

What must be Reported:

Payments, Transfers of Value, and Ownership/Investment interests. Payments and Transfers of Value: must be reported when an item is worth \$10 or more and if items are worth less than \$10, when the sum of all items given to a particular recipient over a year exceeds \$100. Manufacturers are required to report: (a) Direct payments and transfers of value (b) Indirect payments and transfers of value; and (c) Payments and transfers of value that are made to a third party at the request of or on behalf of a physician. Ownership and Investment Interests held by Physicians or their Immediate Family Members, in GPOs and Manufacturers" - The Dollar Amount Invested and the Value and Terms of the ownership or investment interest (excluding interests in publicly traded securities or mutual funds).

- Any Payments / Transfers of Value provided to the Physician owner or investor.

Where Can I find more Information:

- Physician Payments Sunshine Act: <http://www.ama-assn.org/resources/doc/washington/sunshine-act-physician-financial-transparency-reports.pdf>

- Top Tips to Ensure Accurate Reporting: <http://www.ama-assn.org/resources/doc/washington/sunshine-act-tip-sheet.pdf>

- CMS Questions: <https://questions.cms.gov/faq.php?id=5005>

- CMS Fact Sheet for Physicians: <http://www.cms.gov/Regulations-and-Guidance/Legislation/National-Physician-Payment-Transparency-Program/Downloads/Physician-fact-sheet.pdf>

- CMS Open Payments: <http://www.cms.gov/Regulations-and-Guidance/Legislation/National-Physician-Payment-Transparency-Program/Downloads/Physician-Publication.pdf>