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Physician Payments Sunshine Act: Resident Must Knows

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Physician Payments Sunshine Act

- **Physician Payments Sunshine Act** is a 2010 United States healthcare law to increase transparency of financial relationships between health care providers and pharmaceutical manufacturers and industry vendors
- The Centers for Medicare & Medicaid Services (CMS) fulfills the law's mandate through the Open Payments Program where industry reports recipient payments on the public forum
- Physicians have 45 days to review their Open Payments data and dispute errors before public release

CMS.gov
Centers for Medicare & Medicaid Services



The Sunshine Act



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What is the Rule?

- The rule defines “physician” as a doctor of medicine or osteopathy, a dentist, a podiatrist, an optometrist, or a chiropractor who is legally authorized to practice by the state in which he or she works
- *****APN, RN, PA-C, RESIDENTS, and pharmacists are not covered recipients*****
- Payments made to non-physician prescribers to be passed through to a doctor are considered indirect payments to the physician and, therefore, would have to be reported under the name of the doctor

How Do I Know If I Have Been Reported?

1. Enter the url: <https://www.cms.gov/openpayments/>
2. Under search and explore, click use the search tool
3. Search your name **Search Open Payments**
The Open Payments Search Tool is used to search payments made by drug and medical device companies to physicians and teaching hospitals.
4. Under payment information – you can view the details of the reported payments

The screenshot displays the CMS Open Payments website interface. At the top, there is a navigation bar with 'Open Payments' and a brief description of the program. Below this, there are three main sections: 'Search & Explore Open Payments Data', 'Physicians and Teaching Hospitals', and 'Applicable Manufacturers and Group Purchasing Organizations'. A red arrow points from the 'Search & Explore' section to the 'Search Open Payments' button. Below the button, there is a search input field with the placeholder text 'Search Physician, Teaching Hospital, or Company by Name'. A red arrow points from the search input field to the 'NAME' and 'Address' fields in the search results. The search results show a summary of payment information for the year 2016, with a payment type of 'General'. Below this, there is a bar chart titled 'Top Companies Making General Payments' showing the total payment amount for various companies. A red arrow points from the 'Company Making General Payments' section to the 'Company Making Payments' table at the bottom of the page.

How Do I Know If I Have Been Reported?

- You may attempt to click “Review or dispute your reported data” – however, resident efforts to retroactively remove names has been unsuccessful so far

The screenshot shows a user profile with fields for 'NAME' (N/A) and 'Address'. A red arrow points from the text on the left to a link labeled 'Review or dispute your reported data' which is circled in red. Below the profile, there are sections for 'Top Companies Making General Payments' and '1 Company Making General Payments'. The 'Top Companies' section shows a bar chart for 'WRIGHT MEDICAL' with a total payment amount of \$101.77. The '1 Company' section shows a table with columns for 'Company Making Payments', 'Total Payments', 'Total Amount', and 'Total Amount (%)'. The table lists 'WRIGHT MEDICAL TECHNOLOGY, INC.' with 1 payment totaling \$101.77, which is 100.0% of the total.

Open Payments Service Desk

to me ▾

Greetings,

Thank you for your inquiry INC000008109558 to the Open Payments Help Desk. We have reviewed your inquiry and are providing the response below.

This message is concerning your inquiry regarding disputes of transfers of value.

CMS encourages the physician, teaching hospital and/or persons to contact the applicable manufacture or group purchasing organization directly to resolve any disputes. CMS is not responsible for mediating disputes.

- Prevention is the key!!**

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What Now? What Should Residents Do?

- It is imperative for all residents to be aware of the Sunshine Act and what it entails
- Residents are specifically **exempt** from being reported to CMS as recipients
- Once reported to CMS on the open payment website, it is difficult, if not impossible, to remove one’s name and contribution associated
- Moving forward, spread awareness throughout your residencies about the Sunshine Act**
- During industry sponsored events (lunches, dinners, journal club, educational trips) – make sure to communicate with the industry reps about not being reported as recipients**



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