

WHAT MUST BE REPORTED?

- **Payments & Transfers of Value:** must be reported when an item is worth >\$10, or if the annual aggregate is >\$100
Manufacturers are required to report:
 - Direct payments & transfers of value
 - Indirect payments & transfers of value
 - Payments & transfers of value that are made to a 3rd party at the request or on behalf of a physician
- **Ownership & Investment Interests:** must be reported when an investment in a Manufacturer or GPO is held by physicians or their immediate family members
 - **Dollar amount** invested and the **value** and **terms** of the ownership or investment interest (excluding interests in publicly traded securities & mutual funds)
 - Any **payments or transfers of value** provided to a physician owner or investor

PAYMENT CATEGORIES

The payment or transfer of value must be categorized as one of the following:

- | | |
|---------------------------------|---|
| • Consulting fee | • Education |
| • Honoraria; | • Compensation for serving as a speaker for a Continuing Education Program |
| • Gift | • Compensation for services other than consulting, including serving as faculty at an event other than a Continuing Education Program |
| • Entertainment | |
| • Food & Beverage | |
| • Research | |
| • Grant | |
| • Charitable Contribution | |
| • Royalty or License | |
| • Travel & Lodging | |
| • Ownership/Investment Interest | |

Physician Payment Sunshine Law

WHERE CAN I FIND MORE INFORMATION?

The official CMS Website for the Sunshine Law, also referred to as the National Physician Payment Transparency Program, Open Payments:
<http://go.cms.gov/openpayments>

Information from the AMA:
www.ama-assn.org/go/sunshine

WHERE DO I DIRECT MY QUESTIONS?

The Saint Louis University School of Medicine is committed to assisting you navigate the Sunshine Law. Please direct your questions to the Graduate Medical Education Office at (314) 977-9853.



SAINT LOUIS UNIVERSITY
COMPLIANCE
877-525-KNOW

This brochure is intended to provide a brief educational summary of Sunshine Law's key transparency provisions. Please visit <http://goo.gl/tLfCe2> to see the entire text of the law



Saint Louis
University



WHAT IS THE PHYSICIAN PAYMENTS SUNSHINE ACT?

Signed into law in 2010 as part of the Affordable Care Act, the Physician Payments Sunshine Act requires manufacturers to track and report certain *payments made to and transfers of value provided to physicians and teaching hospitals*. It also requires manufacturers to report *certain ownership and investment interests held by physicians and their immediate family members*.

WHY WAS THE LAW ENACTED?

The main purpose of the Sunshine Law is to provide patients with greater transparency into the relationships their health care providers have with life science manufacturers, including medical technology companies. The Law does not restrict industry-physician collaboration or interactions, or prohibit payments or transfers of value. Rather, the Law requires tracking and reporting of payments and transfers of value that result from these transactions.

WHAT IS THE TIMING OF THE LAW?

- Aug 2013: Health care companies must begin collecting info about payments, transfers of value, & ownership interests
- Aug 2014: Physicians may access their own data via secure online portal for review & correction
 - 45 days to review & initiate disputes
 - 15 days to resolve disputes
- Sep 30, 2014: 2013 data published on a public website by CMS (8/1-12/31/2013)

WHO IS REQUIRED TO REPORT THE INFORMATION TO CMS?

- Manufacturers of medical devices, drugs, biologicals, & medical supplies operating in the US must submit Transparency Reports annually to CMS on payments & transfers of value given to physicians & teaching hospitals
- Group Purchasing Organizations (GPOs) & Manufacturers must report ownership & investment interests held by physicians or their immediate family members & any payments or transfers of value to physician owners/investors

Physician Payment Sunshine Law

CAN PHYSICIANS REVIEW THE DATA & MAKE CORRECTIONS, IF NECESSARY?

Before information is publicly posted, a Physician will have 45 days to review submitted data on a secure online portal. If the dispute is not resolved during this 45 day period, an additional 15 days are provided to come to a resolution. If the dispute continues, the data will still be posted to the public webpage but will be flagged as "Disputed".

HOW DO PHYSICIANS ACCESS THE DATA FOR REVIEW PURPOSES?

Registration is required, and includes the following steps:

1. Physicians register in EIDM (EIDM=CMS' Enterprise Identity Management System)
2. Physicians request access to Open Payments System within EIDM
3. Physicians use EIDM registration credentials to register in the Open Payments System

CAN THE UNIVERSITY REVIEW THE DATA & INITIATE THE DISPUTE PROCESS?

Without the express permission of the physician, the University may not access or review the payment data or initiate any corrections through the dispute process. The physician may nominate a SLUCare Administrator to access, review, and coordinate corrections on their behalf as part of the formal registration process in the Open Payments System within EIDM.

HOW WILL THE UNIVERSITY HELP THE PHYSICIANS?

The University will strive for the highest standards of professionalism in our health care settings while actively seeking engagement with the health care industry, so as to manage the influence health care industry relationships may inadvertently have on medical decision-making. The University will annually collect data on payments to physicians and then reconcile those records with that which is reported by CMS, identifying discrepancies so as to proactively work with the physicians for accurate financial transparency with health care companies. Finally, we will coordinate responses to all external party questions (including media requests) after the payments to our physicians becomes public information on September 30, 2014.

WHAT IS OUR UNIVERSITY POLICY ON PAYMENTS TO PHYSICIANS?

The University Policy on Medical Center Conflicts of Interest in Patient Care and Service identifies non-allowable interactions with health care companies due to the inherent bias they pose, and limits or defines acceptable methodologies for allowable interactions. The Policy requires faculty to report certain interactions with health care companies, and requires administration to assure overall integrity of patient care, service and trainee learning environments.

WHAT ARE THE PENALTIES?

- A Manufacturer's noncompliance to the Sunshine Law include financial penalties ranging from:
 - \$1,000 - \$10,000 for each unreported payment or transfer of value
 - \$10,000 - \$100,000 for "knowingly" failing to report a payment or transfer of value