What is the Sunshine Act?
The Sunshine Act requires manufacturers of covered drugs, devices, biologics, or medical supplies to collect detailed information about payments and other “transfers of value” worth over $10 from manufacturers to physicians and teaching hospitals. This information will be made available to the public in 2014 in the Centers for Medicare & Medicaid Services (CMS) Sunshine Database, a publicly accessible, searchable, website with downloadable information about these payments.

The Sunshine Act applies to payments made to physicians with an active license to practice, including: Doctors of medicine, osteopathy, dentists, podiatrists, optometrists, and licensed chiropractors. Residents are not included.

What are manufacturers required to report to CMS?
- Any type of payments or transfers of value to physicians including:
  - Consulting fees
  - Compensation for services other than consulting, such as speaker fees
  - Gifts
  - Entertainment
  - Food and beverage
  - Travel and lodging
  - Educational materials including journal reprints
  - Ownership & Investment Interest
- These types of payments are exempt:
  - Honoraria for speaking at Certified and accredited CME programs
  - Educational materials that directly benefit patients
  - Buffet meals provided to all participants of a large-scale conference
  - Discounts or in-kind items for the provision of charity care
- Reportable payments to teaching hospitals:
  - Research
  - Charitable contributions
  - Royalty or license
  - Grants
  - Space rental or facility fees
  - Equipment/device loans when over 90 days

What is the expected timeline implementation of the Act in 2013-2014?
- August 1st, 2013: Industry entities began collecting the required data.
- June 1st, 2014: Physicians & teaching hospitals permitted to register on CMS Enterprise Portal.
- July 14th, 2014: Phase II of registration for the Open Payments system
- September 10th, 2014: End of the Review & Dispute Period
- September 30th, 2014: First public reports

What do physicians need to do at this time?
1. Track all the interactions you have with industry involving payments or transfers of value to ensure accuracy. There are apps that have been designed specifically for this purpose.
2. Always ensure that you have an up to date CoI disclosure by familiarizing yourself with OHSU policies and resources about the CoI disclosure requirements, including the OHSU Sunshine Act Guide for Physicians. Contact the CoI office with any questions (503-494-7887 or coir@ohsu.edu).
3. Register with CMS & the Open Payments system (Opened July 14, 2014) in order to review your information and dispute anything you believe to be inaccurate or incomplete by September 10th, 2014.
4. Stay tuned by watching for future announcements!

Note: Even indirect payments to physicians and teaching hospitals must be reported. For example, if the manufacturer provides a payment to the OHSU Foundation that is directed for the use of a specific physician, that payment will be reported in the sunshine database as an indirect payment to that physician.