

### *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

**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.

### *What is the expected timeline implementation of the Act in 2013-2014?*

- August 1<sup>st</sup>, 2013: Industry entities began collecting the required data.
- June 1<sup>st</sup>, 2014: Physicians & teaching hospitals permitted to register on CMS Enterprise Portal.
- July 14<sup>th</sup>, 2014: Phase II of registration for the Open Payments system
- September 10<sup>th</sup>, 2014: End of the Review & Dispute Period
- September 30<sup>th</sup>, 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 Col disclosure by familiarizing yourself with OHSU policies and resources about the [Col disclosure requirements](#), including the [OHSU Sunshine Act Guide for Physicians](#). Contact the Col office with any questions (503-494-7887 or [coir@ohsu.edu](mailto: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 10<sup>th</sup>, 2014.
4. Stay tuned by watching for future announcements!