



## **CMS Opens Sunshine Registration for Physicians and Teaching Hospitals**

Jennifer D. Burgar

The federal Physician Payment Sunshine Act (Section 6002 of the Patient Protection and Affordable Care Act) requires applicable manufacturers of drugs, devices, biologics or medical supplies and applicable group purchasing organizations to report to the Centers for Medicare & Medicaid Services (“CMS”) certain payments and transfers of value to physicians or teaching hospitals. CMS recently concluded its initial collection of disclosures from applicable manufacturers and GPOs and is preparing to make those disclosures public on September 30, 2014 through an on-line database. The on-line database is part of CMS’s Open Payments system.

Before the Open Payments database is made public, the Sunshine Act grants physicians and teaching hospitals (referred to as “Covered Recipients”) the opportunity to review, dispute and submit corrections to the information submitted about them by applicable manufacturers and GPOs. CMS recently opened the Open Payments registration process for Covered Recipients, and the review and dispute period runs through August 27, 2014.

In order to register for this purpose, physicians and teaching hospitals must establish an account in the CMS Enterprise Portal (the Enterprise Identification Management system, or “EIDM”) and register with the Open Payments system. CMS warns that the establishment of an EIDM account can take some time, as it involves an extensive identification verification component. As such, physicians and teaching hospitals are encouraged to start the process well before the August 27, 2014 close of the review and dispute period. Information about registration can be found [here](#)<sup>1</sup> for physicians and [here](#)<sup>2</sup> for teaching hospitals. Registration is voluntary, but it is required if a Covered Recipient wants to review and possibly dispute the data.

Given the public nature of the Open Payments database, reviewing and, where appropriate, disputing information is extremely important. Once a dispute is logged, the Covered Recipient can work cooperatively with the reporting manufacturer or GPO to resolve the dispute and correct the information. However, if the cooperative resolution process is not successful, the Open Payments database will publicly identify that the report is disputed.

1 <http://www.cms.gov/Regulations-and-Guidance/Legislation/National-Physician-Payment-Transparency-Program/Physicians.html>.

2 <http://www.cms.gov/Regulations-and-Guidance/Legislation/National-Physician-Payment-Transparency-Program/Teaching-Hospitals.html>.

## Authors and Contributors

---

**Jennifer D. Burgar**  
Of Counsel, Atlanta Office  
404.873.8194  
jennifer.burgar@agg.com

not *if*, but *how*.<sup>®</sup>

## About Arnall Golden Gregory LLP

---

Arnall Golden Gregory, a law firm with more than 150 attorneys in Atlanta and Washington, DC, employs a “business sensibility” approach, developing a deep understanding of each client’s industry and situation in order to find a customized, cost-sensitive solution, and then continuing to help them stay one step ahead. Selected for The National Law Journal’s prestigious 2013 Midsize Hot List, the firm offers corporate, litigation and regulatory services for numerous industries, including healthcare, life sciences, global logistics and transportation, real estate, food distribution, financial services, franchising, consumer products and services, information services, energy and manufacturing. AGG subscribes to the belief “not if, but how.” Visit [www.agg.com](http://www.agg.com).

**Atlanta Office**  
171 17th Street NW  
Suite 2100  
Atlanta, GA 30363

**Washington, DC Office**  
1775 Pennsylvania Ave., NW,  
Suite 1000  
Washington, DC 20006

To subscribe to future alerts, insights and newsletters: <http://www.agg.com/subscribe/>

©2014. Arnall Golden Gregory LLP. This legal insight provides a general summary of recent legal developments. It is not intended to be, and should not be relied upon as, legal advice. Under professional rules, this communication may be considered advertising material.