

Client Alert



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Sunshine Series – Installments One and Two

In an effort to assist our clients and friends with implementation of the final regulations promulgated pursuant to the Physician Payment Sunshine Act (Section 6002 of the Patient Protection and Affordable Care Act), we are providing updates in a “Sunshine Series” of articles. Our Sunshine Series provides information on the government’s preparations for information collection and publication (and eventual enforcement), practical tips for compliance, interesting nuances in the final regulations, State law preemption, and responses to general-interest questions posed by our clients.

Installment One - CMS Launches OPENPAYMENTS and Template Reporting Forms

In this first installment of our Sunshine Series, we want to draw attention to the new website that the Centers for Medicare and Medicaid Services (“CMS”) launched at: <http://www.cms.gov/Regulations-and-Guidance/Legislation/National-Physician-Payment-Transparency-Program/index.html>. CMS refers to the Sunshine reporting program as the “National Physician Payment Transparency Program” and refers to its website as “OPENPAYMENTS.” OPENPAYMENTS will function as a hub of sorts for Sunshine information. CMS indicates that it will include:

- General information;
- Fact sheets;
- Tools and instructions;
- Resources;
- Dates of webinars, calls and meetings; and
- Frequently asked questions.

CMS also published template forms for use in reporting payments and transfers of value under the National Physician Payment Transparency Program at: <http://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing-Items/CMS-10419.html>. The templates include forms for reporting Physician Ownership, Non-Research Payments and Research Payments. CMS also included within the files its Paperwork Reduction Act package.

Installment Two - CMS Publishes Fact Sheet and FAQs

The Centers for Medicare and Medicaid Services (“CMS”) recently published four Fact Sheets to provide information about the National Physician Payment Transparency Program, known generally as the Sunshine Law but referred to by CMS as “Open Payments.” The four Fact Sheets target different segments of the affected industry:

- (1) Applicable Manufacturers;
- (2) Applicable Group Purchasing Organizations;
- (3) Teaching Hospitals; and
- (4) Physicians.

While the Fact Sheets generally do not include new information, they evidence CMS’ outreach efforts and hopefully are the first of many educational efforts as we near the August 1, 2013 collection kick-off.

CMS also released a number of FAQ responses. We will summarize a few of the more interesting FAQs in the coming weeks.

The Fact Sheets and FAQs can be found on CMS’ Open Payments website, at <http://www.cms.gov/Regulations-and-Guidance/Legislation/National-Physician-Payment-Transparency-Program/index.html>.

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This alert provides a general summary of recent legal developments. It is not intended to be, and should not be relied upon as, legal advice.