

Northwestern

Physician Payments Sunshine Act – FAQs for Northwestern Faculty

Note: This information is intended as a general resource for Northwestern faculty, and is based on a current understanding of the 2012 Physician Payment Sunshine Act of the Patient Protection and Affordable Health Care Act. More specific and detailed information is available [here](#).

Sign up for email updates from CMS on the Sunshine Act [here](#)

> at bottom right side of page click “*Receive Email Updates*” > enter your email address > in option list under “*Regulations and Guidance*” click “*Open Payments*” > click “*Submit*”

1. **Question:** What is the Physician Payments Sunshine Act (The Act)?

Answer: The Act requires that information about payments and other “transfers of value” worth over \$10 from pharmaceutical and device companies (companies) to physicians and teaching hospitals be made available to the public. Payments and transfers of value include, among other things, consulting fees, compensation for speaking or other activities, travel, food, entertainment, gifts, honoraria, royalties, education, research, and current or prospective ownership or investment interests. Companies are required to collect this information and provide it to the federal government (The Center for Medicare and Medicaid Service, CMS). CMS will post the information on a publicly accessible website.

2. **Question:** What is the timeline for implementation of The Act?

Answer: The start date for companies to begin collecting and tracking payment was 8/1/13. The Act requires that payment information must have been reported by companies to CMS by 3/31/14. CMS must post the information on a publicly accessible website by 9/30/14. Thereafter, the annual posting of information will be June 30th.

3. **Question:** How does The Act apply to Northwestern faculty?

Answer: The Act applies only to physicians (including doctors of medicine and osteopathy, dentists, podiatrists, optometrists, and chiropractors). The Act does not affect faculty members who are not physicians. The Act also specifically excludes medical residents.

4. **Question:** What do I have to do relative to The Act?

Answer: Physicians have no reporting or other obligations under The Act. However, physicians should be aware that payments or other transfers of value received from companies covered under The Act will be tracked and reported by these companies to CMS and will be made publicly available by CMS. Because companies are required to report specific information regarding payment recipients, physicians may receive requests for information (e.g., NPI #) from companies that have made payments to those physicians.

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5. **Question:** A pharmaceutical or device company funds my research at Northwestern. Will the company report the funding as a payment/transfer of value to me personally, even though the research agreement is between the company and Northwestern?

Answer: While Northwestern University is not a teaching hospital relative to which payments must be reported under The Act, early indications are that companies plan to report research funding to physicians, even when such funding is provided through University research agreements. Such payments would be reported as indirect payments/transfers of value to physicians who are investigators on such agreements. This support will be categorized specifically as research payments and will be listed in a separate section of the public website.

6. **Question:** Is my involvement in industry-sponsored Continuing Medical Education (CME) activities included?

Answer: Certain payments to physicians for serving as faculty or speakers for CME activities are included in The Act. Exempt from reporting are payments for CME activities that meet all of the following criteria:

- (1) The program meets the accreditation or certification requirements and standards of the ACCME, AOA, AMA, AAFP or ADA CERP;
- (2) The applicable manufacturer does not select the covered recipient speaker nor does it provide the third party vendor with a distinct, identifiable set of individuals to be considered as speakers for the accredited or certified continuing education program; and
- (3) The applicable manufacturer does not directly pay the covered recipient speaker.

The CME Coalition has compiled a detailed [guide](#) relative to The Act's impact on CME activities. Please click [here](#) to access the guide.

7. **Question:** How are Northwestern/FSM involved in collecting and reporting information under The Act?

Answer: Northwestern University and FSM have no regulatory responsibilities under The Act, and will not be involved directly in information collection or reporting.

8. **Question:** Will I have the ability to review what is reported about me before it is made public?

Answer: Physicians will have the opportunity to review the payment information reported by companies and will have the opportunity to raise questions and resolve discrepancies in payment information with companies during a 60-day period before the information is publicly posted. Physicians will need to register with CMS to review the payment information. CMS will allow registration starting June 1, 2014. Click [here](#) for details on registration. Click [here](#) for information about the process for disputing payment information.

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9. **Question:** How do I handle disputes relative to information reported about me under The Act?

Answer: As noted in # 8 above, physicians will have the opportunity to raise questions and attempt to resolve discrepancies in payment information with companies during a 60-day period before the information is publicly posted. The dispute process is between the physician and the company. Click [here](#) for information about the process for disputing payment information. If a payment dispute involves the reporting of indirect payments made to the physician through Northwestern University, then Northwestern University can provide the applicable information from institutional records to the physician. If a dispute involves an indirect payment to the physician through Northwestern University and the physician would like to verify the accuracy of information in institutional records, then contact nucoi@northwestern.edu.

10. **Question:** Where can I go for help or additional information?

Answer: CMS offers detailed information and guidance on their website: please click [here](#).