

FEDERAL OPEN PAYMENTS LAW:

Important information for UAB physicians, dentists, and optometrists

- ◆ **Pharmaceutical and medical device/supply companies are required to report to CMS all direct and indirect transfers of value \geq \$10 to individual physicians, dentists, and optometrists**
- ◆ **CMS will make reports publicly available via the web**
- ◆ **Data collection began August 2013 and public reporting begins September 30, 2014—annually thereafter**

The Open Payments Law (formerly the Physician Payment Sunshine Act) requires pharmaceutical and medical device/supply companies to report to Centers for Medicare & Medicaid Services both direct and indirect transfers of value to certain providers, including physicians, dentists, and optometrists, and to teaching hospitals. Typical direct transfers of value—called covered payments—include consulting fees, honoraria, gifts, entertainment, food, travel, education, and charitable contributions. Industry research awards to the university are reported separately with provider principal investigators identified. Certain unrestricted gifts made to the University and continuing education payments are excluded. Covered payments will be reported on a public website and updated annually. Data collected from August through December 2013 will first be made public in Fall 2014.

This federal law does not require providers to report payments to CMS, but there are steps to being prepared (see insert to right). Due to timing, monetary thresholds, and payment definitions, data published on the CMS website may not match exactly with the activities for which UAB providers must

seek advance approval and the financial interests UAB investigators must disclose for purposes of research under the [UAB Enterprise Conflict of Interest and Conflict of Commitment Policy](#).

For more information, visit go.cms.gov/openpayments.

WHAT PROVIDERS NEED TO DO:

BE AWARE: Familiarize yourself with the types of payments that will be reported by industry to CMS.

BE DILIGENT: Ensure you are following UAB's Conflict of Interest and Conflict of Commitment Policy and your school's policy on relationships with industry prior to accepting payments. File all necessary forms to request approval for external activities and to disclose financial interests.

BE PROACTIVE: Submit all industry research proposals through the UAB Office of Sponsored Programs. Work with your contracting office to process fee-for-service agreements. Connect potential donors of charitable gifts to your school's development office. Otherwise, such payments may be attributed to you, when in fact they belong to UAB.

BE READY: When the window for your registration and pre-review of reports opens, dedicate time to register and log-in to view payments attributed to you.

BE ASSERTIVE: Work with industry to correct payments attributed to you. Changes cannot always be made, but public reports will indicate disputed payments.

BE CURIOUS: Contact your compliance office with questions about your specific circumstances. Stay tuned for more helpful information to come.