



O P E N P A Y M E N T S

C R E A T I N G P U B L I C T R A N S P A R E N C Y
I N T O I N D U S T R Y - P H Y S I C I A N
F I N A N C I A L R E L A T I O N S H I P S

Center for Program Integrity

Notice to Inform Future Rulemaking

Erin Skinner, JD

Acting Deputy Division Director

Division of Data and Informatics

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CMS Disclaimer: This information is a summary of sections of the NPPTP. This information is a summary of the final rule implementing the National Physicians Payment Transparency Program (Medicare, Medicaid, Children's Health Insurance Programs; Transparency Reports and Reporting of Physician Ownership or Investment Interests [CMS-5060-F], codified at 42 CFR Parts 402 and 403) The summary is not intended to take the place of the final rule which is the official source for information on the program.



Open Door Forum

CMS is seeking input from Open Payments stakeholders to inform future rulemaking and other enhancements to the program by hosting a Special Open Door Forum. This effort is separate from the third reporting cycle, which published data on June 30, 2016. This solicitation will not impact any future reporting requirements without additional rulemaking or public notice.

Thank you for joining us!

Nature of Payments

- (i) Consulting fee.
- (ii) Compensation for services other than consulting, including serving as faculty or as a speaker at an event other than a continuing education program.
- (iii) Honoraria.
- (iv) Gift.
- (v) Entertainment.
- (vi) Food and beverage.
- (vii) Travel and lodging (including the specified destinations).
- (viii) Education.
- (ix) Research.
- (x) Charitable contribution.
- (xi) Royalty or license.
- (xii) Royalty or license.
- (xiii) Current or prospective ownership or investment interest.
- (xiv) Compensation for serving as faculty or as a speaker for an unaccredited and non-certified continuing education program.
- (xv) Compensation for serving as faculty or as a speaker for an accredited or certified continuing education program.
- (xvi) Grant.
- (xvii) Space rental or facility fees (teaching hospital only).

Nature of Payments

- Are the nature of payment categories inclusive enough?
- Would it be helpful to have the ability to similarly categorize research payments?

Reporting on Past Years

How long should applicable manufacturers and applicable group purchasing organizations (GPOs) be obligated to report on past years of payments or ownership and investment interests?

Data Retention and Refresh

How many years of data should CMS continue to publish and annually refresh on its website?

Registration

- Should all applicable manufacturers and GPOs be required to register each year, regardless of whether they will be reporting transfers of value or ownership and investment interests?
- If they do not report, should they include a reason?

Pre-vetting

- Should applicable manufacturers and GPOs be required to pre-vet payment information with covered recipients and physician owners and investors before reporting?
- How are applicable manufacturers and GPOs currently pre-vetting?

Teaching Hospital – Definition

42 CFR §403.902

A teaching hospital is any institution that received a payment under 1886(d)(5)(B), 1886(h), or 1886(s) of the Act during the last calendar year for which such information is available.

CMS publishes a list of teaching hospitals (hospitals that received Medicare direct GME or IME payments during the last calendar year for which such information is available) on the CMS web site once per year.

Covered Recipient Teaching Hospital Definition

- What are the specific hurdles presented by the current definition of a covered recipient teaching hospital?
- What are proposed alternative definitions?

Covered Recipient Teaching Hospital Review and Dispute Element

Should we add a new non-public data element to assist covered recipient teaching hospitals in review and affirmation of payment records?
Should it be mandatory?

– i.e., Hospital contact name, department, etc.

Ongoing Reporting

Is there a benefit for applicable manufacturers and GPOs to be able to upload data early or throughout the year?

Mergers, Acquisitions, Etc.

How can we change our reporting requirements to ensure that industry can represent changes (mergers, acquisitions, corporate reorganizations) while still monitoring for compliance?

Ownership and Investment Interests: Dollar Amount Invested

For Ownership interests:

The total dollar value, in US dollars, of the ownership interest gained by the physician (or the physician's immediate family members) in the Applicable Manufacturer or Applicable GPO during the reporting year only. Value reported should be for the entire calendar year.

For Investment interests:

The total dollar amount, in US dollars, the physician (or the physician's immediate family members) has invested in the Applicable Manufacturer or Applicable GPO during the reporting year only. Value reported should be for the entire calendar year.

Convert values to US dollar currency if necessary.

Ownership and Investment Interests: Value of Interest

The current cumulative value, in US dollars, of ownership or investment interest held by the physician (or the physician's immediate family members) in the Applicable Manufacturer or Applicable GPO as of the most recent feasible valuation date preceding the reporting date. Please note that this amount represents the cumulative current value of all ownership or investment interests held by the physician (or the physician's immediate family members) in the Applicable Manufacturer or Applicable GPO.

Convert values to US dollar currency if necessary.

Source: [2016 Data Submission Data Mapping Document \[XLSX\]](#)

Ownership and Investment Interests

- What are operationally feasible definitions regarding ownership or investment interests?
 - “dollar amount invested”
 - “value of interest”
- Are there any additional terms that require further clarification?

Physician-Owned Distributors

- How can we define physician-owned distributors (PODs) for reporting purposes?
- What data elements should physician-owned distributors have to report?
- What portion of the reported data should be on the website?

Contact Us

- If you have any questions about the solicitation or this Open Door Forum, please contact OpenPaymentsComments@cms.hhs.gov
- If you have any questions about reporting or the website, please contact the Help Desk at OpenPayments@cms.hhs.gov

Final Thoughts

- CMS conducts periodic webinars and Q&A sessions – announced via list serve messages. Sign up on the [Contact Us page](#)
- Data Refresh: January 2017
- Learn more about the program on the Open Payments website:
<http://www.cms.gov/openpayments>