



# ***Open Payments***

***Applicable Manufacturers & Applicable GPOs:  
2014 Program Year Review, Dispute, and Correction***

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

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**CREATING PUBLIC TRANSPARENCY  
INTO INDUSTRY - PHYSICIAN  
FINANCIAL RELATIONSHIPS**

**April 2015**

***CMS Disclaimer: This information is a summary of the Final Rule implementing Open Payments (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.***

# Agenda

- Target Audience and Learning Objectives
- Open Payments Program and Timeline
- Review, Dispute, and Correction Process Overview
- Reviewing and Acknowledging Disputes
- Resolving Disputes and Correcting Records
- Next Steps and Available Resources

# Target Audience & Learning Objectives

- Target audience:
  - Reporting entities who need to respond to disputes initiated by physicians, teaching hospitals, and principal investigators
- Learning objective:
  - Understanding of the process for reviewing disputes, resolving disputes, and correcting records, and how to take appropriate actions in the Open Payments system

# Open Payments Program and Timeline

# 2013 and 2014 Program Year Timelines



\*Anticipated date

# Review, Dispute, and Correction Process Overview

# Review, Dispute, and Correction Overview

- Physicians, teaching hospitals, and principal investigators can review, then affirm and/or dispute records submitted about them by reporting entities

Reporting Entities	Physicians, Teaching Hospitals, and Principal Investigators
<ul style="list-style-type: none"><li>• Acknowledge disputes</li><li>• Resolve disputes</li><li>• Correct records</li></ul>	<ul style="list-style-type: none"><li>• Review and affirm records</li><li>• Initiate disputes</li><li>• Withdraw disputes</li></ul>

- Only users who hold the role of submitter can perform review, dispute, and correction actions for a reporting entity
- Dispute resolution takes place outside of the Open Payments system
- **CMS does not mediate disputes**

# Review, Dispute, and Correction Timing

- The review, dispute, and correction period consists of:
  - 45 days for data review, dispute, and correction
  - 15 days immediately following the 45-day period for reporting entities to continue to make corrections
- Physicians, teaching hospitals, and principal investigators have until the end of the 2015 calendar year to initiate disputes on data submitted in 2015



# Dispute Timing and Public Display

Dispute Initiation Timing	Dispute Resolution Timing	Public Display Status	Publication Outcome
During 45-day Review and Dispute Period	Resolved before end of the 15-day correction period	Record is identified as not under dispute	Data attested to by the end of the 15-day correction period is published in the initial publication of that year's data, including any changes made due to dispute resolution
	Not resolved before end of the 15-day correction period	Record is identified as disputed	Original attested-to data is published in the initial publication of that year's data as disputed

- Records with a new dispute initiated after the 45-day review and dispute period will be published as original attested-to data in the initial data publication
- Additional details regarding disputes initiated after the 45-day review and dispute period are available in the *Open Payments System Quick Reference Guide – Review and Dispute Timing, and Data Publication* (see Resources page of the Open Payments website <http://www.cms.gov/openpayments>)


# Review and Dispute Statuses

- Initiated – The dispute has been initiated by a physician, teaching hospital, or principal investigator
- Acknowledged – The dispute has been acknowledged by the reporting entity
- Resolved No Change – The reporting entity and physician, teaching hospital, or principal investigator have resolved the dispute in accordance with the Final Rule and no changes were made to the disputed record
- Resolved – The dispute has been resolved by the reporting entity with updates made to the record
- Withdrawn – The dispute has been withdrawn by the physician, teaching hospital, or principal investigator


# Reviewing and Acknowledging Disputes

# Reviewing & Acknowledging Disputes


The physician, teaching hospital, or principal investigator initiates a dispute and makes comments relevant to the record(s) being disputed




The "Review and Dispute" status of the record changes to "Initiated"



The submitter for the reporting entity receives an email notification that a dispute has been initiated



The submitter can acknowledge the dispute in the Open Payments system to let the physician, teaching hospital, or principal investigator know their dispute has been received



The physician, teaching hospital, or principal investigator receives an email notification that the dispute has been acknowledged (if that action has been taken)

# Reviewing & Acknowledging Disputes (cont.)

- Acknowledging a dispute is **optional**
- After the dispute has been reviewed and/or acknowledged in the Open Payments system, actions can be taken towards resolving the dispute
- *Open Payments System Quick Reference Guide — Acknowledging Disputes and Resolving with No Change* provides additional guidance (see Resources page of the Open Payments website <http://www.cms.gov/openpayments>)

# Resolving Disputes and Correcting Records

# Resolving Disputes

Reporting entities can resolve disputes in one of two ways:

1. The dispute can be resolved with changes made to the disputed record
2. The dispute can be resolved with no changes made to the disputed record

**Only users who hold the role of submitter can perform review, dispute, and correction actions for a reporting entity**

# Resolving Disputes (cont.)

- **CMS will not mediate disputes**
- Reporting entities, physicians, teaching hospitals, and principal investigators should work outside of the Open Payments system to resolve disputes
- Physicians, teaching hospitals, and principal investigators may initiate another dispute for the same record if they believe the disputed record has not been sufficiently resolved
- The “Review and Dispute” status of the record will automatically update to “Resolved” once the disputed record has been re-submitted and re-attested
- When the dispute status is updated, the physician, teaching hospital, or principal investigator will receive an email notification



# Correcting Disputed Records

- Disputed records can be corrected via two methods:
  1. Bulk data file re-submission – see *Open Payments System Quick Reference Guide – Bulk File Upload*
  2. Manual data entry (via Graphic User Interface) – see *Open Payments System Quick Reference Guide – Manual Data Entry*
- Both Quick Reference Guides are available on the Resources page of the Open Payments website (<http://cms.gov/openpayments>)
- **Corrected records must be re-submitted and re-attested to by the reporting entity's submitter and attester**

# Correcting Disputed Records (cont.)

- If the data correction results in a change to covered recipient identifying details, such as name, NPI, or license, the reporting entity must:
  - Delete the original attested-to record
  - Add a new record with the corrected covered recipient details
  - **Do not re-submit the previously attested-to record**
- Any records added after the start of the review and dispute period as a result of updating the covered recipient information will become available for review to the new covered recipient in the next calendar year
- If the correction changes the recipient in the record, the original recipient will no longer see the record

# Next Steps and Available Resources

# Next Steps

- Review any records your reporting entity submitted that have been disputed by a physician, teaching hospital, or principal investigator
- Acknowledge and resolve disputes with physicians, teaching hospitals, or principal investigators
- Correct records as needed
- Re-submit and re-attest to corrected records

# Available Resources

- Resources which are on the CMS Open Payments website (<http://www.cms.gov/openpayments>) Resources page include:
  - Open Payments User Guide
  - Open Payments System Quick Reference Guides
    - *Acknowledging and Resolving Disputes with No Change*
    - *Correcting and Resolving Disputes*
    - *Record Correction and Deletion*
    - *Final Submission and Attestation*
- Register for the CMS listserv, via the Open Payments website, to receive email updates about Open Payments
- Open Payments Help Desk:
  - [openpayments@cms.hhs.gov](mailto:openpayments@cms.hhs.gov)
  - 1-855-326-8366
    - Help Desk hours are noted on the Open Payments website