



# *Open Payments*

*Physician, Teaching Hospital, and Principal Investigator:  
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
- Review and Dispute Actions
- Resolving Disputes
- Next Steps and Available Resources

# Target Audience & Learning Objectives

- Target audience:
  - Physicians, teaching hospitals, and principal investigators who need to view and possibly dispute data submitted about them by reporting entities (applicable manufacturers or applicable group purchasing organizations (GPOs))
- Learning objectives:
  - Understanding of the Open Payments review, dispute, and correction process, 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
- Physicians, teaching hospitals, and principal investigators may take the following actions on any data record:
  - Affirm records
  - Initiate disputes
  - Withdraw disputes
- This process takes place outside of the Open Payments system – CMS does not mediate disputes

# Review, Dispute, and Correction Overview (cont.)

- **NEW** Principal investigators can take part in the review and dispute process
  - Principal investigators can only dispute their association with a data record or identifying information that is incorrect; cannot dispute the details of a record (such as amount)
  - All principal investigators included in a data record can affirm the record or initiate/withdraw disputes
  - Principal investigators can only act on disputes initiated by them, not other individuals
  - Multiple disputes on a single record can occur simultaneously



# 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 of 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

# Review and Dispute Actions

# Review and Dispute Actions Overview

## 1. Review Records

- Review records submitted by reporting entities

## 2. Affirm Records

- Confirm accuracy of records

## 3. Initiate Disputes

- Initiate disputes for inaccurate records

## 4. Withdraw Disputes

- Withdraw a previously initiated or acknowledged dispute

# 1. Review Records

- Physicians, teaching hospitals, and principal investigators may review records associated with them
- Go to the Review and Dispute tab and select the physician, principal investigator, or teaching hospital you are associated with

## Open Payments (Sunshine Act)

Physician [Switch User Type](#)

[Home](#) [Review and Dispute  
Review, Affirm, Dispute](#) [My Profile  
Account, Roles, Nominations](#) [Help](#)

### Review and Dispute - John Doe - 2013

[Back](#)

The table below contains only the records reported for the selected physician during the selected program year.

The list is organized by reporting entity, including reporting entities that reported made payments or other transfers of value to the physician, and reporting entities in which the physician has ownership or investment interests.

Only records that have been attested to by reporting entities will be displayed. Records that have not yet been attested to or are still being processed by a reporting entity will be made available for review only after attestation has been completed.

Please note: There is a horizontal scroll bar below the table, for you to use to view more columns in the table. Use the filtering tools below to customize your view of the disputed records.

To take an action related to a disputed record, select the check box in the first column of the table (next to the Entity Making Payment column). You may then perform the following actions on the selected record(s):

- Select "Affirm Record" to confirm the payment or other transfer of value, or ownership or investment interest.
- Select "Dispute Record" to dispute the payment or other transfer of value, or ownership or investment interest. You will need to provide a reasonable explanation for your dispute of the record.
- Select "Withdraw Dispute" to acknowledge that the physician is no longer disputing the record.

To return to the previous page, select "Back."

For more information about the review and dispute process, refer to the [Open Payments User Guide](#).

#### Physician Records

Entity Making Payment:  Record ID:  Date Of Publication:

Dispute ID:  Review and Dispute Status:

Payment Category:  General Payments  
 Research Payments  
 Ownership or Investment Interest

Affirmed (Yes/No):  Yes  
 No

[Search](#) [Clear All](#)

Showing Results for[All]

Show Entries

[Affirm Record](#) [Dispute Record](#) [Withdraw Dispute](#)

Select	Entity Making Payment	Record ID	Dispute ID	Payment Category	Form of Payment or Transfer of Value	Status of Payment or Transfer of Value	Date of Payment	Amount(s)	Delay in Publication of Research Payment Indicator	Last Modified Date	Current Record Standing
<input checked="" type="checkbox"/>	ABCDE Medical	10054		General Payments	Cash or cash equivalent	Consulting Fee	2013-11-04	\$5,000.00	No	2014-07-02	Attested
<input type="checkbox"/>	ABCDE Medical	10056		General Payments	Cash or cash equivalent	Grant	2013-10-21	\$7,500.00	No	2014-07-02	Attested
<input type="checkbox"/>	ABCDE Medical	10055		General Payments	Cash or cash equivalent	Education	2013-12-11	\$1,800.00	No	2014-07-02	Attested

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## 2. Affirm Records

- Affirming records means that the physician, teaching hospital, or principal investigator confirms that the information in the record is correct
- Affirming records is optional – un-affirmed records will still be published
- Who can affirm records
  - Physicians (physician authorized representatives must hold the “Dispute Records” access level to affirm, review, and dispute records associated with their physician)
  - Teaching hospital authorized officials and authorized representatives
  - Principal investigators (any records they are associated with)
- Records that have been affirmed can still be disputed at any time

# 3. Initiating Disputes

- Physicians, teaching hospitals, and principal investigators may initiate disputes on records they believe require correction
- The reporting entity will receive an email notification of the dispute initiation – they may then acknowledge the dispute in the Open Payments system
- The physician, teaching hospital, or principal investigator will receive an email notification if the dispute has been acknowledged by the reporting entity
- The dispute status can be viewed in real-time on the Review and Dispute page in the Open Payments system



# 4. Withdrawing Disputes

- A dispute can be withdrawn after it has been acknowledged by the reporting entity
- Who can withdraw disputes
  - Physicians (physician authorized representatives must hold the “Dispute Records” access level to affirm, review, and dispute records associated with their physician)
  - Teaching hospital authorized officials and authorized representatives
  - Principal investigators (any records they are associated with)
- *Open Payments System Quick Reference Guide — Physician and Teaching Hospital Review and Dispute Process* provides additional guidance (see Resources page of the Open Payments website at <http://www.cms.gov/openpayments>)

# Resolving Disputes

# 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
- Physicians, teaching hospitals, and principal investigators receive email notifications of resolution status
- If the physician, teaching hospital, or principal investigator believes that a dispute with a status of “Resolved” has not been sufficiently resolved, they may initiate another dispute on the same record

# 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
- If a dispute is resolved by re-assigning a record to another physician, teaching hospital, or principal investigator, the record will no longer appear in your view
- 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

# Review, Dispute, and Correction

## Impact on Data Publication

- Data corrections made by reporting entities **after** the 60-day review, dispute, and correction period will not be reflected in the June 2015 public posting
- Data corrections made by reporting entities may be made at any time; data will be updated in the next publication
- CMS will update data from the current and previous program year at least once annually, in addition to the initial data publication
- In the cases where a dispute cannot be resolved, the latest, attested-to data submitted by the reporting entity will be published and identified as disputed

# Next Steps and Available Resources

# Next Steps

- Register in EIDM and in the Open Payments system
  - required to review and dispute data
- For records associated with you in the Open Payments system:
  - Review records
  - Affirm records
  - Initiate disputes against any information you feel is incorrect
  - Withdraw disputes if appropriate
  - Participate in dispute resolution activities with reporting entities

# 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 Guide
    - *Physician and Teaching Hospital Review and Dispute Process*
- Register for the CMS listserv, via the Open Payments website, to receive e-mail 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