



# *Open Payments*

## *Covered Recipient Review, Dispute and Correction*

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

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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

**January 2023**

*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.*

# Outline

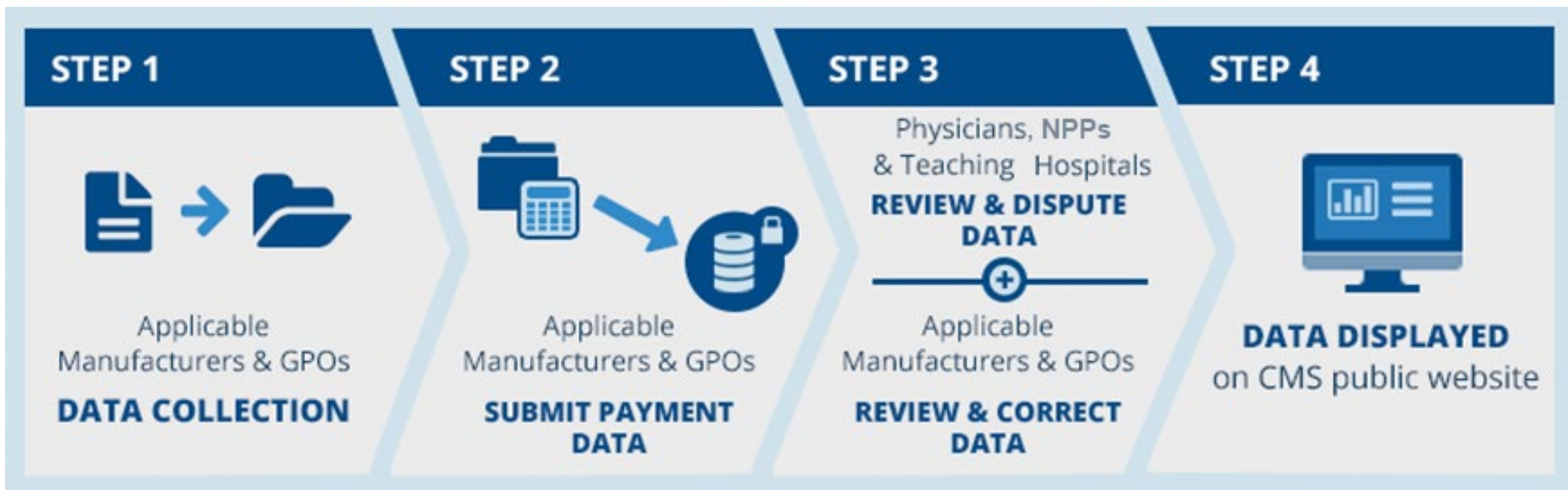
- Target Audience and Learning Objectives
- Open Payments Program and Timeline
- Review, Dispute, and Correction Process
- Review and Dispute Actions
- Resolving Disputes
- Next Steps and Available Resources

# Target Audience & Learning Objectives

- Target audience:
  - Physicians, Non-Physician Practitioners (NPPs) and teaching hospitals, collectively referred to as covered recipients who need to view and possibly dispute data submitted about them by reporting entities (applicable manufacturers or applicable group purchasing organizations (GPOs))
- Learning objectives:
  - Understand the Open Payments review, dispute, and correction process, and how to take appropriate actions in the Open Payments system

# Open Payments Program & Timeline

# Open Payments Process Flow



Reporting entities collect payment data for a program year, which runs from January 1 to December 31



Reporting entities submit their data for the program year to the Open Payments system



Covered Recipients review and, if necessary, dispute submitted data. Reporting entities resolve disputes



Data is published for public viewing in accordance with the publication guidelines

# Program Year 2022 Timeline



Note: Review and Dispute activities start on April 1<sup>st</sup> and can continue until end of the calendar year. The end dates provided on this slide are the cutoff for disputes and corrections to appear in the June 30, 2023 data publication.

**\*Anticipated date**

# Review, Dispute, & Correction Process

# Review, Dispute, and Correction Overview

- Covered recipients may review data associated with them in the Open Payments system regarding payments, other transfers of value, or physician ownership or investment interests that have been submitted by reporting entities. They can also affirm or dispute the accuracy of that data prior to its publication
  - Physician/NPP authorized representatives may dispute their physician's/NPP's records if the representative has the access level "Dispute Records"
  - Both authorized officials and authorized representatives of teaching hospitals can review and dispute records associated with their hospital
- A physician/NPP identified as a principal investigator in a research payment record may also review, affirm, and/or dispute records but should only dispute their association with a particular record or the identifying information about them in that record (e.g., name)
  - Note: "Physician/NPP" in this tutorial includes physician/NPP principal investigators
- **CMS does not mediate or facilitate disputes; it is up to the covered recipient and reporting entity to work together to reach a dispute resolution**



# Review, Dispute, and Correction Overview (cont'd)

- **Covered recipients must register in both the CMS Identity Management (IDM) system and the Open Payments system to review and dispute data**
- Records eligible for review and dispute:
  - All records submitted during the submission period of the current calendar year
    - This includes newly edited, submitted, and re-attested records from previous calendar years submitted during the submission period of the current calendar year
  - Records that were submitted after the submission period of the previous calendar year and were ineligible for review in the previous calendar year
  - Records submitted in the previous submission period that were not under dispute and modified by a reporting entity after the Modified-Without-Dispute Cutoff Date in the previous calendar year

# Review, Dispute, and Correction Period

- **Each calendar year has a scheduled pre-publication review, dispute, and correction period, which includes:**
  - A 45-day period for covered recipients, to review record(s) submitted during the submission period, affirm records are complete and accurate or dispute records as necessary, and work with reporting entities to resolve those disputes
    - Note: covered recipients have an opportunity to review and dispute any records during this time before records are published in initial publication
  - An additional 15-day correction period for reporting entities to make corrections to records and resolve any active disputes
- **Review, dispute, and correction activities can be performed through the end of the calendar year:**
  - The distinct review, dispute, and correction period exists to set rules on how data is published
  - If a dispute is not resolved by the end of the correction period, all parties should continue to seek a dispute resolution

# Dispute/Correction Impact on Data Publication

- CMS publishes data initially in June of each year, and a refresh publication approximately six months later with updated data
  - Records disputed within the pre-publication 45-day review, dispute, and correction period that are not resolved by the end of the additional 15-day correction period are identified as disputed in the initial data publication
  - Records disputed within the initial 45-day review, dispute, and correction period are resolved by the end of the additional 15-day correction period are not identified as disputed in the initial publication of data and any corrections made to the record will be reflected in the publication
  - Records disputed after the initial 45-day review, dispute, and correction period will be published as undisputed in the initial data publication
  - Corrections made to records by reporting entities after the correction period will not be reflected in the initial publication
  - Disputes initiated or corrections made to records after the pre-publication review, dispute, and correction period will be eligible for inclusion in the next publication of data, either the refresh publication of the program year data or the initial publication of the next program year's data

# Dispute/Correction Impact on Data Publication (cont'd)

- Records that are flagged for delay in publication by the reporting entity are eligible for review and dispute by covered recipients but may not be eligible for publication in the program year
- Additional details regarding dispute timing and public display are available in the following resources:
  - [“Open Payments User Guide for Covered Recipients”](#),
  - Quick reference guide [“Review and Dispute Timing and Data Publication”](#)
  - [“Methodology and Data Dictionary Document”](#)

# Changes to Undisputed Records and Data Publication

- **If a reporting entity updates an undisputed record after the end of the submission period**, those updates will **not** be included in the initial data publication
- The updates may be included in the subsequent data refresh publication if the changed record was resubmitted and attested at least 45 days before the end of the calendar year
  - This deadline is to provide covered recipients identified in undisputed-but-changed records sufficient time to review and dispute them
- Updates to undisputed records that are resubmitted and attested after the modified-without-dispute cutoff date will not be published in the subsequent refresh publication but may be eligible for publication in the following calendar year's initial publication

# Review and Dispute Actions

# Review and Dispute Actions Overview

- Covered recipients can take four actions in the Open Payments system related to review and dispute
- All of these actions are voluntary and records will be published regardless of these actions
- Refer to the quick reference guide “Covered Recipients Review and Dispute Process” for detailed information

## 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 dispute

# 1. Review Records

- Covered recipients may review records submitted about them on the “Available for Review and Dispute” tab on the Review and Dispute Payment Records page in the Open Payments system
- On this page, users may review and affirm records, as well as initiate and withdraw disputes
- Reporting entity contact information for a record is available on the “Record ID” page of the record, accessed through the hyperlinked Record ID number

**Open Payments (Sunshine Act)**  
Physician or Non-Physician Practitioner Switch User Type

Home Review and Dispute My Profile Messages Resources

### Review and Dispute - Tom Smith

Below is the list of all payment records in which the non-physician practitioner or physician is a covered recipient or principal investigator that are eligible for review and dispute this calendar year.

**Covered Recipient Records**

Program Year: 2021, 2020, 2019, 2018  
Entity Making Payment: Please Select  
Order By: Please Select

Review and Dispute Status: Initiated, Acknowledged, Resolved No Change, Withdrawn, Resolved  
Record ID: Maximum 38 digits  
Dispute ID: Maximum 38 digits

Payment Category: General Payments, Research Payments, Ownership or Investment Interest  
Affirmed (Yes/No): Yes, No  
Reported As: Recipient, Principal Investigator

Showing Results for: [All]

Available for Review and Dispute Deleted and In Progress Records

Showing 10 of 32 Entries Page 1 of 4

Record ID 71158271		
Entity Making Payment ABCDE Medical	Program Year 2018	Record Status Attested
Record ID 71158271	Affirmed No	Payment Category Research Payments
Total Payment Amount \$7.22	Value of Interest N/A	Delay in Publication of Research Payment Indicator No
Date of Payment 2018-12-31	Principal Investigators Associated Yes	Listed as PI Only No
<a href="#">Affirm Record</a> <a href="#">Dispute Record</a>		

Record ID 73770083		
Entity Making Payment ABCDE Medical	Program Year 2018	Record Status Attested
Record ID 73770083	Affirmed No	Payment Category Research Payments
Total Payment Amount \$7.22	Value of Interest N/A	Delay in Publication of Research Payment Indicator No
Date of Payment 2018-12-31	Principal Investigators Associated Yes	Listed as PI Only No
<a href="#">Affirm Record</a> <a href="#">Dispute Record</a>		

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## 2. Affirm Records

- After records have been reviewed, covered recipients may affirm that records associated with them are correct
- Records can be affirmed by:
  - Physicians/NPPs
  - Physician/NPP authorized representatives with “Dispute Records” access level
  - Teaching hospital authorized officials and authorized representatives
  - Physicians/NPPs identified as principal investigators on research payment records
- Un-affirmed records are still eligible for publication as reported by the reporting entity
- Records that have been affirmed can still be disputed through the end of the calendar year if inaccuracies are discovered during that time

# 3. Initiating Disputes

- Covered recipients may initiate disputes on records associated with them that they believe require correction
- To initiate a dispute:
  - Find the record in the “Available for Review and Dispute” tab on the Review and Dispute page. Select the “Dispute Record” button
  - In the Dispute Details and Contact Information box, provide the reason(s) for the dispute and contact information (e.g., phone number, email address)
  - Select the “Send Dispute” button
- The reporting entity will receive an email notification that a dispute has been initiated; the email will include what was provided in the Dispute Details and Contact Information box

# 3. Initiating Disputes (cont'd)

- Covered recipients can monitor the dispute status on the Review and Dispute Payment Record page in the Open Payments system
- Reporting entities may acknowledge disputes in the Open Payments system, but are not required to do so
  - The covered recipient will receive an email notification if the dispute is acknowledged by the reporting entity
  - Acknowledgement only serves as a notification that the reporting entity has received the dispute
- Covered recipients can export their disputed records into a downloadable character-separated values (CSV) file
  - Select “Download ZIP File” link from the Review and Dispute page to download the file

# 4. Withdrawing Disputes

- Covered recipients can withdraw a dispute if they no longer wish to proceed with the dispute
- Disputes may be withdrawn after a dispute has been initiated or acknowledged
- Once the dispute is withdrawn, the reporting entity will receive an email notification that a dispute has been withdrawn
- No further action is needed once the dispute is withdrawn

# Resolving Disputes

# Resolving Disputes

- **CMS does not mediate or facilitate disputes; it is up to the covered recipient and reporting entity to work together to reach a dispute resolution**
- Reporting entities should work directly with the covered recipient to resolve disputes
- Once a resolution is reached, the status of the resolution is captured in the system by the reporting entity
- If a record is deleted or is being updated by the reporting entity as a result of a dispute, the record will no longer be visible in the “Available for Review and Dispute” tab but can be viewed on the “Deleted or In Progress Records” tab
  - Review and dispute actions cannot be performed on the records on the “Deleted or In Progress Records” tab
- The covered recipient receives an email when a disputed record is deleted

# Resolving Disputes

Reporting entities can resolve disputes in one of two ways:

## 1. Resolved with changes made to the disputed record

- After the updated record is re-submitted to the Open Payments system and the reporting entity attests to its accuracy, the updated record will automatically be placed in a Review and Dispute status of “Resolved”
- A record can also be deleted to resolve a dispute. Once the reporting entity deletes the record from the Open Payments system, the review and dispute history of the record is also deleted

## 2. Resolved with no changes made to the disputed record

- This can be done when the reporting entity and the covered recipient have resolved the dispute in accordance with the Final Rule and no changes were needed or made to the disputed record. Following this process will place the disputed records in a Review and Dispute status of “Resolved No Change”

# Resolving Disputes

- The disputing covered recipient will receive an email notification when a disputed record has been resolved by either of these two methods
- Covered recipients can view the details of the resolution and any corrections that may have been made by logging into the Open Payments system and viewing the details associated with the record
  - Note: If the dispute results in a change in covered recipient to the record, the initial disputing covered recipient will no longer see the record for review since they are no longer listed as the covered recipient for the record.
- Once a disputed record has been corrected, re-submitted, and re-attested, the “Review and Dispute” status of that record will automatically change to “Resolved” in the Open Payments system
- If a covered recipient believes a dispute has not been sufficiently resolved despite the record having a status of “Resolved”, they can initiate another dispute for the same record



# Review and Dispute Statuses

Records in the review and dispute process will have one of the following review and dispute statuses in the Open Payments system

R&D Status	Meaning
Initiated	A covered recipient has initiated a dispute against a record submitted by a reporting entity
Acknowledged	A reporting entity has received and acknowledged an initiated dispute
Resolved	A disputed record was updated, re-submitted and re-attested to by the reporting entity
Resolved, No Change	The reporting entity and the covered recipient resolved the dispute, and no changes were made to the disputed record
Withdrawn	A covered recipient withdrew a dispute they initiated against a record submitted by a reporting entity
Affirmed	A covered recipient has reviewed the records and determined to be accurate

# Next Steps and Available Resources

# Next Steps

- Register in IDM and in the Open Payments system
  - Registration in both IDM and the Open Payments system is required in order to perform any review and dispute actions
- Once registered in both IDM and the Open Payments system, the user may:
  - Review records
  - Affirm records
  - Initiate disputes against any information that is inaccurate
  - Withdraw disputes if appropriate
  - Participate in dispute resolution activities with reporting entities

# Available Resources

- Review available resources on the CMS Open Payments website Resources page at <https://www.cms.gov/OpenPayments/About/Resources.html>:
  - Open Payments User Guide for Covered Recipients
  - Quick Reference Guides
    - Covered Recipients Review and Dispute Process
    - Review and Dispute Timing and Data Publication
- Register for CMS email notifications via the Open Payments website to receive email updates about Open Payments
- For additional questions, contact the Open Payments Help Desk at:
  - [openpayments@cms.hhs.gov](mailto:openpayments@cms.hhs.gov)
  - 1-855-326-8366
  - 1-844-649-2766 (TTY line)

# Disclosure

- **Disclaimer:** The contents of this document do not have the force and effect of law and are not meant to bind the public in any way, unless specifically incorporated into a contract. This document is intended only to provide clarity to the public regarding existing requirements under the law.
- **Activities/persons addressed by this document:** Guidance for Covered Recipients (including the principal investigators) on the review and dispute process
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