



# ***Open Payments***

***Applicable Manufacturers & Applicable GPOs:  
2015 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 2016**

***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

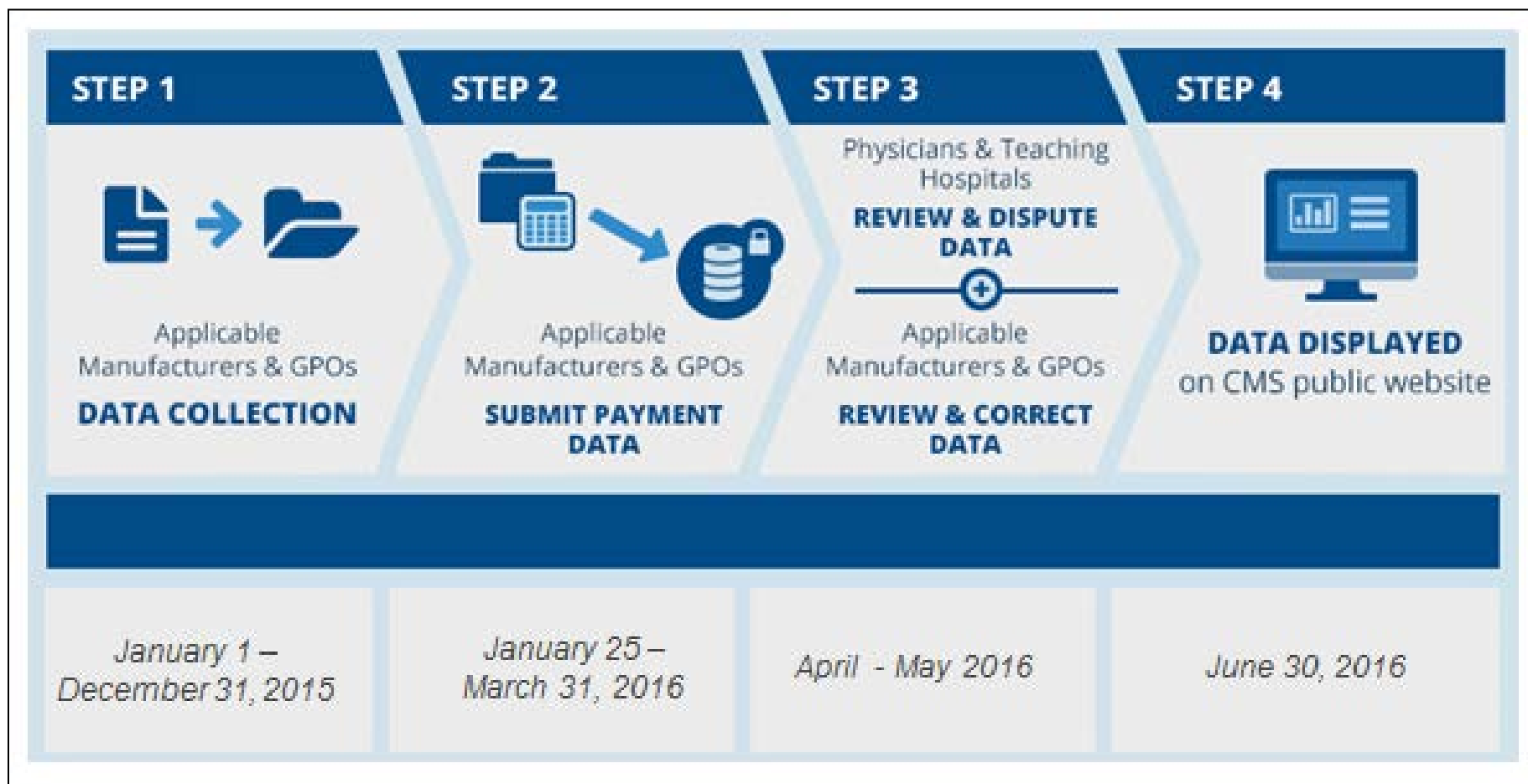
- Target Audience and Learning Objectives
- Open Payments Program and Timeline
- Review, Dispute, and Correction Process Overview
- Reviewing and Acknowledging Disputes
- Resolving Disputes, Correcting, and Deleting Records
- Next Steps and Available Resources

# Target Audience & Learning Objectives

- Target audience:
  - Applicable manufacturers and applicable group purchasing organizations (“reporting entities”) who need to respond to disputes initiated by physicians and teaching hospitals
- Learning objective:
  - Understanding of the process for reviewing disputes, resolving disputes, and correcting and deleting records, and how to perform these actions in the Open Payments system

# Open Payments Program and Timeline

# 2015 Program Year Timeline



# Review, Dispute, and Correction Process Overview

# Review, Dispute, and Correction Overview

- Starting in April 2016, physicians and teaching hospitals can review, affirm, and/or dispute records submitted about them by reporting entities
- This allows physicians and teaching hospitals to request corrections to records they believe to be incorrect prior to the June 2016 publication
- During the review, dispute, and correction period, the reporting entities acknowledge and work to resolve those disputes
- **Dispute resolution takes place outside of the Open Payments system;** reporting entities should work directly with the physician, physician's authorized representative, authorized official or authorized representative for the teaching hospital, or principal investigator to reach a resolution for the disputed record
- Once a resolution is reached, the results of the resolution must be captured in the Open Payments system (instructions in the following slides)
- **CMS does not mediate disputes between reporting entities, physicians and teaching hospitals**

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

Permitted Actions by Reporting Entities	Permitted Actions by Physicians and Teaching Hospitals
<ul style="list-style-type: none"><li>• Acknowledge disputes</li><li>• Resolve disputes with changes to records</li><li>• Resolving disputes by deleting records</li><li>• Resolving disputes with no changes to records</li></ul>	<ul style="list-style-type: none"><li>• Review and affirm records</li><li>• Initiate disputes</li><li>• Withdraw disputes</li></ul>

- It is not required that physicians and teaching hospitals review, acknowledge, or dispute any records
- Records not affirmed by the physicians and teaching hospitals are eligible for publication and will be published using the latest attested-to data submitted by the reporting entity
- Only users who hold the role of submitter can perform review, dispute, and correction actions for a reporting entity
- Changes made to records are not complete until the record is re-attested to by a user who holds the role of attester



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

- 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
- Records edited or deleted resulting from a dispute resolved during this 60-day period will be reflected in the June 2016 publication
- Disputes unresolved at the end of the 60-day period will be published as disputed in the initial data publication
- Reporting entities can continue to make edits to records with no disputes against them up until the refresh publication cutoff
- Edits to records with no disputes against them made after refresh publication cutoff will be eligible for publication in the next publication of the data
- Physicians and teaching hospitals have until the end of the 2016 calendar year to initiate disputes on data submitted in 2016 (including late submissions from previous program years). The resulting activity from those disputes will be reflected in a future publication

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

# Dispute Timing and Public Display

- Disputes initiated within the initial 45-day review, dispute, and correction period, and resolved by the end of the additional 15-day correction period, will be published and identified as non-disputed in the initial public posting of data
- If the dispute is not resolved by the end of the correction period, the record will be published and identified as being under dispute
- Disputes initiated or resolved after the full 60-day review, dispute, and correction period will not be reflected in the initial publication of data. Those disputes and any related data changes will be published in the next publication of data, which may be a refresh publication of the program year data or the publication of the next program year's data
- 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 quick reference guide “Review and Dispute Timing, and Data Publication” (see Resources page of the Open Payments website <http://www.cms.gov/openpayments>)

# Reviewing and Acknowledging Disputes

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- Submitters associated with a reporting entity receive an email notification when a dispute has been initiated against a record submitted by the entity; submitters associated with the entity may then review the dispute
- Acknowledging a dispute is **optional**
- The purpose of acknowledging the dispute is only to let the physician or teaching hospital know that the dispute has been received by the reporting entity
- Acknowledging a dispute does not indicate that agreement or acceptance of the dispute by the reporting entity
- After the dispute has been acknowledged and/or reviewed in the Open Payments system, actions can be taken towards resolving the dispute
- The physician or teaching hospital receives an email notification if the dispute has been acknowledged in the 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 and Deleting 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**

- 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 deletion of the record is attested-to, the record is deleted from the Open Payments system, along with the review and dispute history of the record

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

- This can be done when the reporting entity and the physician or teaching hospital 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”

**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, and teaching hospitals should work outside of the Open Payments system to resolve disputes
- Physicians and teaching hospitals may initiate another dispute on 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 in the Open Payments system, the physician or teaching hospital will receive an email notification
- The email notification contains some information about the disputed record but does not contain contact information for the reporting entity



# Correcting Disputed Records

- Once a resolution has been reached by the reporting entity and the covered recipient, the reporting entity can move forward with making any needed data corrections
- Disputed records can be corrected via two methods:
  1. Bulk data file resubmission
  2. Manual data entry (via Graphic User Interface)
- Corrected records must be re-submitted and re-attested to by the reporting entity's submitter and attester
- Refer to the quick reference guides available on the Resources page of the Open Payments website (<http://cms.gov/openpayments>) for instructions on how to re-submit and re-attest

# Deleting Disputed Records

- Records may be deleted as a result of the dispute resolution process
- When a user selects a record that had been previously attested to and then selects “Delete Record,” the record is not immediately deleted; the record is “marked for deletion”
  - To complete the deletion of a record marked for deletion, the reporting entity’s attester must re-attest to the records for that program year; until re-attestation, the record will remain visible to covered recipients and be eligible for publication
- If a change to the covered recipient identifying information (such as name, NPI, license, etc.) is required to resolve a dispute, the reporting entity must:
  - Delete the original attested-to record
  - Submit a new record with the corrected covered recipient details
  - **Do not re-submit the previously attested record with new covered recipient identifying information**

# Deleting Disputed Records (cont.)

- Any records submitted and attested to 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
- After re-attestation occurs, the record is deleted from the Open Payments system along with the review and dispute history for the record
- The deleted record will also no longer be visible to the reporting entity or the original recipient

# Open Payments System: Review and Dispute Enhancements

# Open Payments System: Review and Dispute Enhancements

- **NEW!** Reporting entities must provide review and dispute contact information
  - Contact information is provided during initial entity registration or during re-certification
  - Contact information is made available to covered recipients to assist in the review, dispute, and resolution process
- Refer to the quick reference guide “Applicable Manufacturer and Applicable GPO Registration and Recertification” for instructions on entering this information

### Contact Information for Review and Dispute

In the "Contact Information" box below, provide contact information for individual(s) from your entity who are assisting with the dispute resolution process. You may also include additional instructions for physicians and teaching hospitals.

Note that the contents of the "Contact Information" box will be shared with all covered recipients you have reported payments or transfers of values for. The contents will be displayed exactly as entered in the box.

**\*Contact Information:**  
500 characters maximum

Please contact John Miller at 555-555-5555 or openpayments @yopmail.com for inquiries regarding disputes.

Cancel Back Continue

# Open Payments System: Review and Dispute Enhancements (cont.)

- Reporting entities can also download a report of disputes initiated against their records
- The report is downloaded in a CSV file and may contain up to approximately 400k records
- Available from the “Review and Dispute” page by selecting “Download Disputes Zip File”

## Open Payments (Sunshine Act)

Manufacturer or Group Purchasing Organization [Switch User Type](#)

Home
Submissions  
Submit, Review, Attest
Review and Dispute  
[View, Respond, Resolve](#)
Manage Entities  
Register, Edit, Nominate Roles
My Profile  
Account, Roles, Nominations
Help

### Review and Dispute - ABCDEF Medical - 2015

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#### Applicable Manufacturer or Applicable GPO's Disputed Records

**Dispute ID:**  
Maximum 38 digits

**Record ID:**  
Maximum 38 digits

**Home System Payment ID:**

**File ID:**  
Maximum 38 digits

**Physician First Name:**

**Physician Last Name:**

**Teaching Hospital Name:**

**Review and Dispute Status:**

**Marked for Deletion:**

 Yes  
 No

**Payment Category:**

 General Payments  
 Research Payments  
 Ownership or Investment Interest

**Recipient Type:**

 Physician  
 Teaching Hospital

[Download Disputes Zip File](#) [Search](#) [Clear All](#)

Showing Results for: [All]

Show Entries  [Acknowledge Dispute](#) [Resolved No Change](#)

Select	Record ID	Dispute ID	Home System Payment ID	File ID	Amount (\$)	Date of Payment	Recipient	Delay in Publication of Research Payment Indicator	Date Dispute Initiated	Dispute Last Modified By	Record Status
<input checked="" type="checkbox"/>	618881	231			\$9.03	2013-08-01	John Miller	No	2015-09-30	Tom Smith	Attested

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# Next Steps and Available Resources

# Next Steps

- Review any records your reporting entity submitted that have been disputed by a physician or teaching hospital
- Acknowledge and resolve disputes with physicians and teaching hospitals
- Correct and delete records as needed
- Re-submit and re-attest to corrected and/or deleted records
- **Only users who hold the role of submitter and/or attester can perform these functions**
- Contact the Open Payments Help Desk for assistance if needed



# Available Resources

- Review available resources on the Resources page of the CMS Open Payments website at <http://www.cms.gov/openpayments>
  - Open Payments User Guide
  - Tutorials
  - 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 e-mail updates, on the Open Payments website, to receive updates about Open Payments
- Open Payments Help Desk:
  - [openpayments@cms.hhs.gov](mailto:openpayments@cms.hhs.gov)
  - 1-855-326-8366