FAQs: Physician Payments Sunshine Act  
Last updated: December 23, 2020

UPDATE 2021: Following statutory changes in the SUPPORT for Patients and Communities Act the [Centers for Medicare and Medicaid Services (CMS) Open Payments database](https://www.cms.gov) will expand coverage to include five new provider types: physician assistants, nurse practitioners, clinical nurse specialists, certified registered nurse anesthetists and anesthesiologist assistants, and certified nurse-midwives. The expanded coverage begins on January 1, 2021. Information collected during 2021 will be reported beginning June 30, 2022.

The Physician Payment Sunshine Act was designed with the objective of creating transparency for financial interests of physicians and newly added covered recipients including physician assistants, nurse practitioners, clinical nurse specialists, certified registered nurse anesthetists and anesthesiologist assistants, and certified nurse-midwives. However, inconsistent reporting of financial interests has the potential to diminish public trust in academic and research institutions, specifically when there are inconsistencies between information reported to the federal government versus the information disclosed to the University.

The Physician Payment Sunshine Act, under the Affordable Healthcare Act (Public Law 111-148, Section 6002), placed obligations for public disclosure of payments and financial interests made to physicians by manufacturers of drugs, devices, biologicals, and medical supplies as well as group purchasing organizations (GPOs). The information has been collected by and was made publicly available by the Centers for Medicare and Medicaid Services (CMS) Open Payments database. The database is updated annually on June 30.

As a physician or covered provider, there is information about the Act with which you should be aware. You are strongly encouraged to cooperate with CMS, manufacturers, and GPOs to ensure accurate reporting of your financial interests and payments made to you that are publically disclosed on the CMS website.

The University requires that your disclosure of non-University activities be consistent with the information reported in the CMS database. Below is information on what you must do to comply with the University’s Policy on Conflict of Commitment and Interest.

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1. Does my disclosure to the University need to be consistent with the Open Payments database?

The University Policy on Conflict of Commitment and Interest (COCI Policy) requires that disclosures of non-University activities be consistent with the information reported in the CMS Open Payments database.

University Policy on Conflict of Commitment and Interest: https://www.vpaa.uillinois.edu/rnua/coci_policy/COCI_policy_2018/

Guidance on making disclosures for non-University activities: https://go.uic.edu/coiRNUAGuidance

2. How do I search what has been reported in the Open Payments database?

You are advised to review the information being reported about you in the CMS database. You can do that by using the CMS search tool available at: https://openpaymentsdata.cms.gov.

3. How do I report my non-University activities and financial interests to the University?

As always, the University requires that you seek approval for activities prior to engaging in any non-University activities. You should update your Report of Non-University Activities (RNUA) disclosure annually and as needed during the year in START myDisclosures.

START myDisclosures: https://myresearch.uillinois.edu/myDisclosures/

4. How do I report to the University a retrospective activity that was reported as a result of Sunshine or Support Act?

If you find information reported about you in the CMS database that you have not reported to the University through the Report of Non-University Activities (RNUA), you should revise or submit a new RNUA disclosure in START myDisclosures. When the activity has not been previously approved you must follow the process to make a retrospective disclosure. The Unit Executive Officer must complete a retrospective review of the activities. Please see the COCI Policy for guidance on Retrospective Review.

START myDisclosures: https://myresearch.uillinois.edu/myDisclosures/
5. **Do the Sunshine and Support Acts apply to faculty start-up companies?**

In order to avoid giving inaccurate information or advice to a faculty start-up company, the University cannot provide legal advice to faculty start-up companies on the requirements under the Sunshine or Support Act. The Acts imposes significant civil monetary penalties on applicable manufacturers and GPOs for failures to report. You are encouraged to seek independent legal advice if your company is engaged in production, preparation, etc. of a drug or a medical or biological device or supply.

6. **Who is a physician or covered recipient under the Sunshine and Support Acts?**

For the purposes of Open Payments, a “physician” is any of the following types of professionals that are legally authorized by the state to practice, regardless of whether they are Medicare, Medicaid, or Children’s Health Insurance Program (CHIP) providers:

- Doctors of medicine or osteopathy
- Doctors of dental medicine or dental surgery
- Doctors of podiatric medicine
- Doctors of optometry
- Chiropractors

Beginning January 1, 2021, expanded coverage under the Support Act will include the following providers:

- Physician assistants
- Nurse practitioners
- Clinical nurse specialists
- Certified registered nurse anesthetists and anesthesiologist assistants
- Certified nurse-midwives

Note: Medical residents are excluded from the definition of physicians for the purpose of this program.

7. **Can inaccurate information reported to CMS be disputed and corrected?**

Yes. The University encourages you to work with the applicable manufacturer and applicable GPO to correct inaccurate information submitted by the applicable manufacturer and applicable GPO before CMS makes it public.

8. **Where can I find more information about the Physician Payment Sunshine Act and the Support Act?**


9. How do I register with CMS Open Payments?

For more information about the CMS Open Payments and to register with CMS Open Payments program, please go to: https://www.cms.gov/openpayments/

Register: https://www.cms.gov/OpenPayments/Program-Participants/Physicians-and-Teaching-Hospitals/Registration