AMA overview clarifies CME reporting under the Sunshine Act

MAR 14, 2016

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The Physician Payments Sunshine Act requires manufacturers of drugs, medical devices and biologicals that participate in U.S. federal health care programs to report certain payments and items of value given to physicians and teaching hospitals. The Centers for Medicare & Medicaid Services (CMS) has been charged with implementing the Sunshine Act and has called it the “Open Payments Program.”

A subset of drug, biological and device manufacturers have raised questions concerning the Open Payments Program’s reporting requirements and participation in commercially supported, accredited and certified continuing medical education (CME) programs in 2016.

Under the AMA CME credit system standards, AMA Code of Medical Ethics and Accreditation Council for Continuing Medical Education (ACCME) accreditation standards, commercial supporters are prohibited from having any direct or indirect influence or control with respect to the content, faculty, speakers or attendees of an educational program or activity.

Therefore, educational grants given to AMA-certified and ACCME-accredited programs (including online or enduring educational programs) that comply with those standards do not meet the definition of an “indirect payment” and as such are exempt from reporting by commercial supporters under the Open Payments Program, according to the overview document.

Physicians are encouraged to register with the CMS Enterprise Portal so they can exercise their right to review their reports and challenge reports that are false, inaccurate or misleading. Physicians will have access to 2015 data in early April.