Resolution: 241
(A-18)

Introduced by: Illinois

Subject: Accuracy and Accountability of Physician Compensation Reporting by Drug and Device Companies

Referred to: Reference Committee B
(R. Dale Blasier, MD, Chair)

Whereas, U.S. federal law requires drug and device companies to report compensation to physicians as part of the Physician Payments Sunshine Act; and

Whereas, These compensations are listed on a public website named OpenPaymentsData.CMS.gov and can be searched by an individual physician’s name; and

Whereas, Companies that report physician compensation do not have to provide proof of delivery and receipt of reportable compensation; and

Whereas, Companies’ representatives may leave food, beverages, or other gifts at a physician’s office (or at the door of the office) without physician consent and report this “gift” under the Sunshine Act; and

Whereas, Disputing a payment that has been inaccurately reported by a company is cumbersome and requires the reporting company to submit paperwork redacting the payment; and

Whereas, Payment posted in error may imply a conflict of interest or relationship between the physician and the company to the public, including the physician’s patients; therefore be it

RESOLVED, That our American Medical Association adopt as policy that any compensation reported as part of the Physician Payments Sunshine Act should be accompanied by a verifiable receipt signed by the physician acknowledging receipt of said compensation (New HOD Policy); and be it further

RESOLVED, That our AMA advocate that contested reported compensation should be removed immediately from the OpenPaymentsData.CMS.gov website until the reporting company validates the compensation with a signed receipt (New HOD Policy); and be it further

RESOLVED, That our AMA advocate that companies reporting physician payments under the Physician Payments Sunshine Act without proper documentation shall be fined $1,000 per occurrence. (New HOD Policy)

Fiscal Note: Not yet determined

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