Whereas, The Physician Payments Sunshine Act was part of the 2010 Affordable Care Act as a way to document publicly the financial interactions between industry and physicians by requiring the medical industry, including Pharma, device manufacturers, and group purchasing organizations, to document any payments and gifts valued above $10; and

Whereas, The Sunshine Act data includes cash, in-kind items or services, stock, consulting fees, honoraria, gifts, entertainment, food, travel, research, charitable contributions, royalties or licenses, current or prospective ownership or investment interest, speaker compensation for CME, and grants; and

Whereas, The Centers for Medicare and Medicaid Services (CMS) maintains the CMS Open Payments website, which has been up and running since 2014, with data collection having begun in 2013; and

Whereas, Advocates of the Sunshine Act sought to make the public aware of the relationship between industry and the medical community, such that physicians would become less willing to accept payments from industry in order to reduce the influence of industry on the practice of medicine; and

Whereas, Recent data from the CMS website shows the number of records published has remained at about 12 million since 2014; the total value, including research and investments, was $7.86 billion in 2014 and has increased to almost $8 billion in subsequent years; and the number of physicians with payment records was roughly 625,000 in 2014 and has continued to climb to 631,000 in 2016, the most recent year for which data has been published; showing that the number of physicians and the value of payment records has not had the anticipated effect of reduced industry-physician relationship and influence; and

Whereas, The Sunshine Act has created an undue burden on practicing physicians to maintain records and review the accuracy of the data submitted, and has not been shown to curtail the financial interactions between manufacturers and group purchasing organizations with physicians; therefore be it

RESOLVED, That our American Medical Association adopt as policy opposition to the Physician Payments Sunshine Act as it currently is written and implemented (New HOD Policy); and be it further
RESOLVED, That our AMA support either repeal of the current Sunshine Act or significant modifications to the Sunshine Act, such as substantially increasing the monetary threshold for reporting, that will decrease the burden and “hassle factor” and support efforts at administrative simplification for physicians, which the Center for Medicare and Medicaid Services and the organized medical community has supported, if any portion of the Act is maintained. (New HOD Policy)

Fiscal Note: Not yet determined

Received: 04/25/19