

The Physician Payment Sunshine Act Final Rule

Written by Colin J. Zick, Pat A. Cerundolo, Tad Heuer

February 8, 2013

On February 1, 2013, the Centers for Medicare and Medicaid Services (CMS) published the long-awaited Physician Payment Sunshine Act (Sunshine Act) Final Rule, implementing Section 1128G of the Social Security Act.

The Sunshine Act (passed in 2010 as part of the Affordable Care Act and summarized here) requires applicable manufacturers of covered drugs, devices, biologicals, and medical supplies to report annually all payments and other transfers of value to physicians and teaching hospitals.

However, the language of the Sunshine Act left many open questions about its applicability and implementation; CMS issued a proposed rule to address these issues in December 2011 (summarized here) and solicited comment on that rule. After over a year of delay, CMS has issued a Final Rule to address the questions and comments it received.

Most notably, the Final Rule:

- Establishes August 1, 2013 as the starting date for the recording of data and March 31, 2014 as the first deadline for reports;
- Excludes many foreign entities from reporting;
- Excludes certain medical education programs from the disclosure requirements;
- Creates separate reporting and publishing procedures for payments related to research; and
- Excludes from reporting large group meals where recipients are difficult to identify and establishes a reporting process for smaller group meals.

To find out more, click here.

RELATED INDUSTRIES

- [Life Sciences](#)
- [Healthcare](#)

This communication is intended for general information purposes and as a service to clients and friends of Foley Hoag LLP. This communication should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship.

United States Treasury Regulations require us to disclose the following: Any tax advice included in this document was not intended or written to be used, and it cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Attorney advertising. Prior results do not guarantee a similar outcome. © 2017 Foley Hoag LLP. All rights reserved.