

Physician Payments Sunshine Act (OPEN PAYMENTS) Background and Frequently Asked Questions

As of August 1, 2013, grants awarded through Gilead Sciences are subject to new reporting requirements under Section 6002 of the Patient Protection and Affordable Care Act, also known as OPEN PAYMENTS or the Physician Payments Sunshine Act. This federal law requires all drug and device manufacturers to report to the Centers for Medicare & Medicaid Services (CMS) information concerning payments made to physicians and teaching hospitals on an annual basis. CMS will subsequently make the details available for public viewing on its website. As a result, Gilead is required to report to CMS:

- Grant payments made by Gilead to teaching hospitals (as defined by CMS)
- Grant payments made by Gilead that are used by the grantee to fund payments or other transfers of value to U.S. physicians or teaching hospitals

In accordance with these regulations, organizations receiving a grant from Gilead may be required to report reconciliation information to Gilead after completion of a grant-sponsored program or activity.

What is a teaching hospital?

Under OPEN PAYMENTS, teaching hospitals are “hospitals that received payment for Medicare direct graduate medical education (GME), inpatient prospective payment system (IPPS) indirect medical education (IME), or psychiatric hospital IME programs during the last calendar year for which such information is available.”

Check the [CMS website](#) annually for the latest list of “Teaching Hospitals.” You may also click here to view the [current list](#). If your organization is on this list and you receive a grant from Gilead, we will be required to report the grant amount and other details about the grant to CMS. If you do not use the full amount of the grant for the applicable program and are returning some or all of the funds to Gilead, please be sure to notify grants@gilead.com so we can ensure accurate reporting.

Who is a physician?

Under OPEN PAYMENTS, physicians who are reportable recipients include U.S.-licensed M.D.s, D.O.s, podiatrists, optometrists, licensed chiropractors, dentists and dental surgeons. Other health care professionals such as nurses, physician assistants, and pharmacists are not included in this term.

If you receive a grant from Gilead and use any of the funding to make payments or other transfers of value (i.e. travel expenses or meals) to one or more physicians, we request that you provide us with information about these payments necessary for us to make the required reporting, using the reconciliation spreadsheet accompanying your grant approval letter. The information is only required for physician recipients playing *key roles* in the grant program (e.g., faculty speakers or fellowship recipients) and not for other physician participants who are not easily identifiable (e.g., attendees at a large conference or educational event). In addition, reporting is not required for physician recipients who are speakers or faculty at an accredited continuing medical education (CME) program (which meets the accreditation or certification requirements/standards of the ACCME, AOA, AMA, AAFP or ADA CERP).

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How will Gilead determine whether my grant is reportable?

If your organization is a teaching hospital included on the list provided by CMS, your grant will be reportable.

In addition, during the application process, grant applicants will have the option to check a box to notify Gilead if they anticipate Covered Recipients playing key roles in the grant program. This box should be checked when the grant applicant believes that:

- A U.S.-licensed M.D., D.O., podiatrist, optometrist, licensed chiropractor, dentist or dental surgeon will be paid or provided something of value for serving in a defined grant program role as opposed to, for example, being a general audience member.
- A U.S.-licensed teaching hospital (that is not the grantee itself) will be receiving a payment/transfer of value from the Gilead grant funds

If you have checked this box or Gilead has otherwise determined that the grant is likely to include payments or other transfers of value to physicians, we may follow up with you after the grant program to collect the required information, if we have not yet received it.

How will I report the physician payment information to Gilead?

When a grant application is approved, a physician recipient reconciliation spreadsheet will be provided to the grant applicant with an email approval notification. If your grant falls within the requirements for reporting (outlined above), the spreadsheet is due back to Gilead within 30 days of the last program event or activity date for which Gilead funds were used to support, or by February 1 of the following calendar year for reportable transfers of value disbursed in the previous calendar year, *whichever comes first*

For example:

Grant activity period June 1, 2015 – July 1, 2015 → reconciliation spreadsheet due August 1, 2015
Grant period June 1, 2015 – May 31, 2016 → reconciliation spreadsheet due February 1, 2016 (for 2015 payments) AND April 30, 2016 (for 2016 payments).

What details about the grant will Gilead report to CMS?

Grant payments to teaching hospitals:

The report will include details such as the name, TIN and address of the teaching hospital and the form, nature, date and value of the payment/transfer of value.

Grant payments used by the grantee to fund payments/transfers of value to physicians:

The report will include the physician's name, NPI, state license number, specialty/taxonomy code and business address, in addition to the form, nature, date and value of the payment/transfer of value.

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CMS will make many of these details available for public viewing on its website. Each reported transaction pertaining to these grants funds will also be associated with Gilead Sciences, Inc.

**For more information about these reporting requirements, please contact the
Gilead grants coordinator at grants@gilead.com or (650) 522-1696.**