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Covered recipients and the open payments review and dispute process

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The Centers for Medicare & Medicaid Services (CMS) oversees the Open Payments program, a “national transparency program”^[1] designed to provide patients and the public with information regarding potential financial relationships between reporting entities such as drug and device manufacturers (reporting entities)^[2] and certain healthcare providers (covered recipients).^[3] Each year these payments (also known as transfers of value) are reported through a process culminating in publication in the Open Payments database.

The Open Payment processes occur in a static cycle annually, easily lending the process to be included in annual reviews or work plans. Yet, despite the public availability and potential risk of the appearance of improper relationships, many covered recipients elect not to participate and simply allow payments to auto-attest. This allows the reporting entities to paint a picture of their relationship(s) without checks and balances in place to protect the recipient. Additionally, despite over six years’ worth of available data, the Open Payments database (database) is often overlooked. The types of data required by the program—including the nature of payment—provide compliance professionals additional touch points for verifying provider adherence to policies and procedures, vendor activities, and potential risk areas.^[4]

To best facilitate the Open Payments process, recipients should be aware of the three main phases of the process—data collection, prepublication review and dispute, and publication. Data collection begins on January 1 of the calendar (or program) year, with entities gathering information regarding reportable payments. Payments must be entered into the Open Payments system by March 30 of the following calendar year. On April 1 of that following year, the annual prepublication review and dispute period begins. This is the optimal time for recipients to review items attributed to them/their organization, as payments effectively disputed may be deleted prior to publication. Based on the results of initial review and dispute activities, the data is refreshed on May 16 for the final phase of prepublication review, which ends on May 31. CMS then publishes the initial data on June 30 with an additional data refresh near the end of each calendar year when payments updated after the May 31 deadline will reflect their current status. This fixed schedule easily blends into annual end-of-fiscal-year activities culminating in a final report to interested stakeholders of attributed payments, trends, and concerns. The first step in adopting the review and dispute process into annual compliance activities is to gain access to the CMS Open Payment system.

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