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## Finally, Final Rule on the Physician Payments Sunshine Act under the Affordable Care Act (ACA) Released

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Initially intended for release before the end of 2012, the Centers for Medicare & Medicaid Services (CMS) released the long-awaited final rule on the **Physician Payments Sunshine Act (the Sunshine Act)** on Feb. 1, 2013, with publication to follow on Feb. 8. The Final Rule will become effective 60 days after the publication date.

Established under the **Affordable Care Act (ACA)**, the Sunshine Act requires medical industry companies, including pharmaceutical and device manufacturers, to disclose all consulting fees, travel reimbursements, research grants, and other gifts to physician and teaching hospitals with values over \$10. Additionally, the Sunshine Act requires manufacturers and group purchasing organizations (each a GPO) to report certain information regarding ownership or investment interests held by a physician in the manufacturer or GPO. Aiming to foster transparency for both consumers and the federal government, the Department of Health and Human Services (HHS) will publish this data on a public website and send annual reports to Congress.

The delay of this highly anticipated final rule follows the delayed release of the proposed rule late last year, and the postponement of several other key ACA implementation deadlines. Under the statute, data collection was to begin January 2012. However, under the Final Rule, CMS requires manufactures and applicable GPOs to begin collecting required data by Aug. 1, 2013, and begin reporting this data to CMS beginning March 31, 2014. CMS will release the data to the public by Sept. 30, 2014.

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