Through The Looking Glass: How Physician Open Payments Disputes Can Alter How Manufacturer Transparency Programs are Structured

Wanda Toro Turini, PharmD
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ASA University is an extension of a peer to peer group called the Aggregate Spend Alliance (ASA), the ASA University is the first virtual networking and learning environment for professionals who are affected by the Federal Sunshine Act requirements and other state driven aggregate spend regulations.

HCidea provides the most accurate Physician data (NPIs and State Licenses) to manufactures and GPOs to assist in staying compliant with the Sunshine Act
Learn more at hcidea.ncpdp.org

RxReconn allows you to stay up-to-date on State and Federal legislation and regulation activity, such as the Sunshine Act, that impacts your organization
Learn more at http://ncpdp.org/Products/Rxreconn
Speaker

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Lead Moderator, Aggregate Spend Alliance

Text ASANCPDP to 411321 to receive these slides and info about the Aggregate Spend Alliance.
Objectives

• Provide some insight on the results of the dispute process, to date
• Review common data quality issues and how to assess severity of such issues
• Discuss how manufacturers are approaching Data Quality Management
• Outline the potential penalties associated with data inaccuracies
Final Days of Dispute...Time To Reflect
Previous Focus - Assembling the “System”
How Do We Know If Our Quality Is Compromised?

Wait and Find Out

Test Ahead
What’s the Penalty for Poor Quality?

• Physician Relationships/ Public Scrutiny

• Applicability for Civil Monetary Penalties
  • “failure to report information in a timely, accurate, or complete manner”
  • Includes timely and accurate submission of an entire record, as well as certain fields
  • “We do not intend that errors corrected during the review and correction, and dispute resolution periods will be subject to penalties for failure to report in instances when the original submission was made in good faith.”
  • “Outside this period, any errors or omissions will be considered failures to report timely, accurately, or completely, and will be subject to penalties.”
What We’ve Heard About Disputes

- Volume per Manufacturer: 0-50 disputes
  - Seems to correlate with size of company and data submission
- Meal Disputes - most common
  - More common → dispute attendance
  - Less common → dispute amount
- “Gift” disputes
  - Loans of items not clear
- Completely wrong physician-CMS issue
- Purpose incorrect for transfer of value - CMS issue
Few Physicians Have Actually Looked At Their Data
CMS Holding Back Data From Public Disclosure Due to Quality Issues

- Open Payments system was down for 12 days due to:
  - system errors being displayed if no spend was reported
  - physician matching issues
- Approximately 1/3 of data being withheld from public disclosure due to matching issues
- Another portion of research payments are rumored to be withheld - payments made through intermediaries
- Yet CMS is keeping September 30 as their Public Disclosure Date
What Should We Be Proactively Testing For?

About the Recipient

About the Expense
6 Common Dimensions of Data Quality

**Completeness**: confirmation that all required and conditionally required fields are complete

**Conformity**: confirmation that all data fields conform to the specified layout, field formats and specifications

**Consistency**: confirmation that interdependent attributes appropriately reflect their expected relationships and assuring uniformity in the representation of the same field value across records

**Duplication**: identifying unnecessary representations of the same data record within the data set

**Accuracy**: confirmation that the reported data reflects the truth

**Integrity**: confirmation of data consistency as data passes through the various systems
What Should We Be Proactively Testing For?
About the Recipient

- Name
- Address
- Credential
- Recipient Type
- License Information
- NPI
- Specialty
Common Recipient Data Errors

• Wrong Person selected from Customer Master
• Credential does not match their Recipient Type (visa versa)
• Specialty does not match the therapeutic area your business is in
What Should We Be Proactively Testing For?
About the Expense

- Date
- Product
- Spend City, State, Zip
- Spend Purpose
- Spend Nature
- Study Info
- PI Info
Common Expense Data Errors

• Miscalculations in per capita meal amounts
  • Attendee numbers
  • Cost of meal
  • Allocation methodology
• Mis-categorization of the purpose of the event
  • Ex: Consulting, fees, travel and meals may not be split up correctly
• Not enough description captured to follow up/research
Other Common Data Issues

• Missing Records
• Data not using the required recipient types or spend categories—may fall through cracks
• Inconsistency in recipient information across all records
• Duplicate entries or submissions
• Data changes from system to system
  • Ex: calculated meals
Determinations Regarding the Amount of Civil Monetary Penalties

Factors include, but are not limited to, the following:

(1) The **length of time** the AM failed to report, including the length of time ... knew of transfer of value

(2) **Amount of the payment** the AM failed to report.

(3) **Level of culpability**.

(4) **Nature and amount** of information reported **in error**.

(5) **Degree of diligence** exercised in correcting information
Developing the Diligence:
Proactively Identifying Issues through Data Quality Management

Validation

Reconciliation

Monitoring

Confident Attestation

NCPDP
Validation

• Confirming all of the required data fields and conditionally required data fields are completed
• Confirming the layout is as required
• Confirming all drop-down selected data matches acceptable values
Monitoring

• Ensures consistencies in data:
  • Same person has same credentials or recipient type
  • Recipient type matches credentials (visa versa)

• Looks for logical discrepancies:
  • Meals over $XX
  • Consulting travel or meals with no fee

• Identifies state violations
  • Thresholds or banned activities
Reconciliation

• Compares submitted data to source information:
  • Receipts, copies of checks, invoices, logs
• Confirms all records that should have been reported, were reported
• Identifies inaccuracies in date, recipient name, purpose, recipient type
## Certification/Attestation

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Not so fast...I saw you coming!
Upcoming ASA Events

September 17
  – Lessons Learned Bonus Series: Improving Meeting Planning Vendor Data Quality

October 22
  – Lessons Learned Bonus Series: Supporting Confident Attestation Through Substantiated Certification

November 12
  – Lessons Learned Bonus Series: New Approaches for 2015 Reporting, A Manufacturer Perspective

Plus...our NEW 30 minute “Controversies” Series:
  – Controversies in Physician Pre-Disclosure
  – Controversies in Defining Transfers of Value
Questions, Comments...

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AggregateSpendAlliance.org