

Guidance for Johns Hopkins Medicine Physicians Regarding Patient Questions About the Physician Payments Sunshine Act

Payments made by pharmaceutical and medical device companies to physicians and teaching hospitals in 2014 under the Physician Payments Sunshine Act are now available to the public on the Centers for Medicare & Medicaid Services Open Payments website.

Your patients may see information about payments made to you or to one of the Johns Hopkins Medicine teaching hospitals. Below are suggested guidelines for responding to patient questions. Adapt them for each question and ensure that what you say is accurate to your situation.

If you have questions or would like additional guidance, please contact the Office of Policy Coordination at sunshine@jhmi.edu. Please direct any media inquiries to jhmedia@jhmi.edu. Additional information is available [here](#).

- **Why is information about the payments you received from pharmaceutical and medical device companies being made public?**
 - The federal Affordable Care Act requires that this information be made public. The goal is transparency. By making information about payments available to patients and the general public, they can better understand the relationships between physicians and the companies that make drugs and medical devices.
 - Companies that make drugs and medical devices are required to report payments they made to physicians and teaching hospitals to CMS, which is responsible for making the information public.

- **Were the payments you received made directly to you or to the hospital?**

[RESPOND BASED ON THE SITUATION]

- I received some payments personally. For example, I was paid personally as a consultant to [company] to provide them with advice about [drug development, current therapies for a particular condition/disease]. Or, I was paid personally as a speaker to educate _____ about _____.
- [GENERALLY MOST APPLICABLE TO JOHNS HOPKINS SCHOOL OF MEDICINE-BASED RESERACHERS] Companies sponsor a large amount of research, especially clinical research, all over the country. These studies/clinical trials are important for developing new treatments and technology and for testing the safety and efficacy of new medications and other medical treatments. I am/was a researcher/principal investigator on studies sponsored by companies [perhaps be specific about the study/company]. The company provided the Johns Hopkins University School of Medicine (*not the hospital*) funds to pay all the costs of the research. That includes things like the cost of medical tests related to the study—for example, scans, X-rays and

blood tests; parts of the salaries for research nurses, physicians like me and others; and in some cases, stays in the hospital, investigational drugs, and other services.

- The school of medicine negotiates a research agreement with the company. The payments are made to the school, not to any individual.
- The Open Payments website also lists payments to teaching hospitals, including hospitals in the Johns Hopkins Health System. Those payments are [usually] separate from payments for research. Payments to hospitals are generally made to support educational activities or are charitable contributions.
- The payment data set is enormous and some of it may be inaccurate. In last year's release of payment data, a number of errors were discovered.
- I do not think the information about some/all of the payments made to me is accurate, and I have submitted a dispute.

- **What did you (or the hospital) do with the money?**

- [IN THE CASE OF PERSONAL PAYMENTS:] The money I earn as a consultant/adviser to companies is personal income, just as my salary from Johns Hopkins is personal income.
- [IN THE CASE OF RESEARCH PAYMENTS TO THE SCHOOL OF MEDICINE:] Companies sponsor a large amount of research, especially clinical research, all over the country. These studies/clinical trials are important for developing new treatments and technology and for testing the safety and efficacy of new medications and other medical treatments. The money that companies pay the school of medicine covers the cost of doing the research. The school, not the nurses, doctors or researchers, gets the money, and it is allocated to pay for the tests related to the study—for example, scans, X-rays and blood tests; parts of the salaries for research nurses, physicians like me and others; and in some cases, stays in the hospital, investigational drugs and other services.
- The Open Payments website also lists payments to teaching hospitals, including hospitals in the Johns Hopkins Health System. Those payments are [usually] separate from payments for research. Payments to hospitals are generally made to support educational activities or are charitable contributions.
- The payment data set is enormous and some of it may be inaccurate. In last year's release of payment data, a number of errors were discovered. I do not think the information about some/all of the payments made to me is accurate, and I have submitted a dispute.

- **I see you were paid by the company that makes the implant you used for my surgery. Did you choose the company's implant because they were paying you as a consultant/speaker/etc.?**

- [ASSUMING THIS IS ACCURATE] After input from a large number of physicians, the hospital selects the implants that are made available to our physicians. This is to protect the choice of implants from undue influence by any one individual. I have [a limited/no] role in deciding what type of implants the hospital stocks.

- **So why did you choose this particular implant?**
 - I chose this implant from among what the hospital stocks, because in your case [clinical rationale; evidence-based decision].

- **Why do you consult for the company?**
 - In deciding how to develop/improve their drugs/devices, companies rely on input from physicians and research findings. I conduct research on _____ and have a lot of clinical experience, so I'm viewed as an expert in the field of _____. I was paid by the company to advise them on _____. They pay me for the time I spend in meetings and consultations with company representatives. I am paid at a rate that is comparable to other physicians in my field.
 - I disclosed the activity and the payments to the school of medicine, which reviewed it for conflict of interest and approved the activity. Johns Hopkins supports appropriate collaboration between its physicians and industry, and it also has strong policies on conflict of interest, sponsored research and interaction with industry.