

Open Payments System Quick Reference Guide

Review and Dispute Timing and Data Publication

Introduction

This quick reference guide explains the impact that dispute initiation and resolution have on a record's publication date. This guide also explains the review, dispute, and publication impact of editing and deleting attested records.

Prerequisites

- None

Actions

Definitions

Reporting entities: Collectively, applicable manufacturers and applicable group purchasing organizations are known as "reporting entities".

Applicable manufacturers are entities that operate in the United States and (1) are engaged in the production, preparation, propagation, compounding, or conversion of a covered drug, device, biological, or medical supply, but not if such covered drug, device, biological or medical supply is solely for use by or within the entity itself or by the entity's own patients (this definition does not include distributors or wholesalers (including, but not limited to, repackagers, relabelers, and kit assemblers) that do not hold title to any covered drug, device, biological or medical supply); or (2) are entities under common ownership with an entity described in part (1) of this definition, which provides assistance or support to such entities with respect to the production, preparation, propagation, compounding, conversion, marketing, promotion, sale, or distribution of a covered drug, device, biological or medical supply.

Applicable group purchasing organizations (GPOs) are entities that operate in the United States and purchase, arrange for, or negotiate the purchase of covered drugs, devices, biologicals, or medical supplies for a group of individuals or entities, but not solely for use by the entity itself.

Covered recipients: Collectively, physicians, non-physician practitioners, and teaching hospitals are known as "covered recipients".

For the purposes of Open Payments, a "physician" is any of the following types of professionals that are legally authorized by the state to practice, regardless of whether they are Medicare, Medicaid, or Children's health Insurance Program (CHIP) providers:

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- Doctors of Medicine or Osteopathic Medicine
- Doctors of Dental Medicine or Dental Surgery
- Doctors of Podiatric Medicine
- Doctors of Optometry
- Chiropractors

For the purpose of the Open Payments program, NPPs include: physician assistants, nurse practitioners, clinical nurse specialists, certified registered nurse anesthetists, anesthesiologist assistants and certified nurse midwives. The non-physician practitioner terms are defined in the Final Rule.

Teaching hospitals are hospitals that receive payment for Medicare direct graduate medical education (GME), IPPS indirect medical education (IME), or psychiatric hospital IME programs during the last calendar year for which such information is available.

For the purposes of 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.

Publication Cycles

Open Payments data is published twice annually:

- **Initial Publication** (by June 30 of each year): This publication is the first publication of the eligible records for a program year.
- **Refresh Publication** (early part of the calendar year after submission): This publication includes the latest attested version of the data at the end of the previous calendar year.

Publication Impact of Review & Dispute Timing

Open Payments designates periods each calendar year for Data Submission, Review and Dispute, and Correction. Whether payment records are eligible for publication and if records are identified as disputed depends on what is done to those records during these periods.

- **Submission Period (February 1st-March 31st):** Payment records submitted and attested to during the submission period are considered on-time submissions and are eligible for the June data publication. Records submitted after the submission period are not eligible for publication until the next initial publication.
- **Pre-Publication Review and Dispute Period (April 1st-May 15th):** Physicians, non-physician practitioners (NPPs) (including principal investigators), and teaching hospitals can review submitted payment records and dispute them if necessary. Disputes initiated against records during the pre-publication review and dispute period that are not resolved by the reporting entity by the end of the correction period are published as disputed in the initial data publication. Disputes can be initiated until the end of the calendar year in which the record was

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submitted, but disputes initiated after the end of the pre-publication review and dispute period are not reflected in the initial publication. See the Publication Impact of Disputed Records section for details.

- Correction Period May 16th-31st):** Reporting entities (Applicable manufacturers and applicable group purchasing organizations) can work with covered recipients to resolve disputes and if necessary correct records. Corrections made to disputed records during the correction period are eligible to be included in the June publication. Corrections made after the end of the correction period are not reflected in the initial publication. See the **Publication Impact of Disputed Records** section for details.

The data published in the **initial publication** is the latest attested version of the data at the end of the correction period (May 30). The data published in the **refresh publication** is the latest attested version of the data at the end of the calendar year (December 30).

Publication Impact of Disputed Records

Data publications may identify records as under dispute. *Table 1* lists scenarios for dispute initiation and resolution and explains how data publications identify records based on those scenarios.

Table 1: Dispute Initiation/Resolution

Dispute Initiated/Resolved	Published As Disputed in Initial Publication?	Published As Disputed in Refresh Publication?
Initiated: During the 45-day pre-publication Review and Dispute Period Resolved: By the end of the 15-day Correction Period	No	No
Initiated: During the 45-day pre-publication Review and Dispute Period Resolved: After the end of the 15-day Correction Period	Yes	Yes, unless the dispute is resolved before the end of the calendar year
Initiated: During the 15-day Correction Period Resolved: By the end of the 15-day Correction Period	No	No
Initiated: During the 15-day Correction Period Resolved: After the end of the 15-day Correction Period	No	Yes, unless the dispute is resolved before the end of the calendar year
Initiated: After the Correction Period Resolved: By the end of the calendar year	No	No
Initiated: After the Correction Period Resolved: After the end of the calendar year	No	Yes

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Publication Impact of Edits to Undisputed Records

If a reporting entity makes edits to a record that is **not** a result of an open dispute, it can influence the date of publication. Edited records must be re-attested to be available for review, dispute, and publication.

Reporting Entity Edits Without Dispute	Review and Dispute Impact	Initial Publication	Refresh Publication
During 60-day pre-publication Review and Dispute Period or Correction Period (Days 1-60)	Edited record is available for review and dispute to covered recipient through end of calendar year.	Not Eligible	Latest edited and attested record is eligible to be published.
After the 60-day pre-publication Review and Dispute Period and Before the Modified-Without-Dispute Cutoff Date (November 15 th)	Edited record is available for review and dispute to covered recipient through end of calendar year.	Not Eligible	Latest edited and attested record is eligible to be published.
After the Modified-Without-Dispute Cutoff Date (November 15 th)	Edited record is not available for review and dispute to covered recipient until next calendar year's review and dispute period.	Not Eligible	Not Eligible; will be eligible for publication in the following calendar year's Initial Publication.

Additional Data Publication Notes

- **Delay in Publication** - A record that received a delay in publication is eligible for review and dispute in the year of its submission but will not be published that year. The record remains unpublished as long as the reporting entity requests a renewal of the delay in publication for that record each year, up to the 4-year maximum delay.
- **Marked for Deletion** - Records marked for deletion by a reporting entity and are pending re-attestation are still eligible for review and dispute in the year of their submission. **These records are eligible for publication if the re-attestation has not been performed by the end of the correction period.**
- **Updated Covered Recipient Identifying Information** - To change identifying information about a covered recipient in a record after the submission period, a new record must be submitted, and the old record deleted. Due to the lack of a full review and dispute period for that new record, the new record will not be eligible for publication until the following year's initial publication in June.

Additional Resources

Additional review and dispute resources are available on the Resources page of the Open Payments website at <https://www.cms.gov/priorities/key-initiatives/open-payments/resources>.

The "Data Publication" section of the Open Payments Data Dictionary Methodology provides detailed information about data publication. The Open Payments Methodology and Data Dictionary document explains the data publication rules and the fields included in data publication.

Disclosure

- **Disclaimer:** The contents of this document do not have the force and effect of law and are not meant to bind the public in any way unless specifically incorporated into a contract. This document is intended only to provide clarity to the public regarding existing requirements under the law.
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