

Many patients may be surprised to discover that several doctors routinely receive gifts and payments from pharmaceutical and medical device manufacturers. In fact, it is quite common for physicians to have financial relationships with the companies that make the medicines and devices that the doctors use on a daily basis.

For some patients, these relationships may create the concern that doctors will be inclined to use particular drugs or medical devices simply because of the gifts and payments they receive, and not because they are the best form of treatment.

Fortunately, a recently announced database will allow the public to search for these financial relationships, which may in turn quell some of these patient fears. This recent announcement is a welcomed addition for patients in a healthcare industry already beleaguered by several defective drugs and all-too-common medical mistakes.

Physician Payment Sunshine Act

The new finalized federal regulations will execute the Physician Payment Sunshine Act of 2010. In particular, this law requires that the financial ties between doctors and drug or medical device manufacturers to be disclosed.

Consequently, the new regulations will result in a new searchable database that will be accessible to the public beginning in September 2014 – a database that will list the payments and gifts doctors receive from manufacturers.

Specifically, collection of the financial information for 2013 will begin on August 1 for relevant manufacturers, and continue through December. All information received by the Centers for Medicare & Medicaid Services (CMS) by March 31, 2014, will become publically accessible by September 30, 2014.

While gifts of cups of coffee, snacks and buffet meals given to physicians need not be recorded under the law, the value of all other meals are required to be tracked. Moreover, payments under \$10 do not have to be reported unless they add up to \$100 or more in any given calendar year.

Violations of these reporting rules can also be quite severe, not to mention costly. For instance, the CMS can impose \$10,000 fines on manufacturers that fail to adequately report gifts and payments to physicians – which can skyrocket to \$100,000 if the CMS determines that the manufacturer knowingly left out payments.

Obviously, many patients feel they have a right to know if their doctor has a financial relationship with drug or medical device manufacturers. And hopefully the release of the upcoming public database will assist these patients in getting the information they desire.

Unfortunately, no amount of public disclosure will help patients who have been prescribed defective drugs or

implanted with faulty medical devices. If you have been injured by a defective drug or medical device, it is important to speak with an experienced products liability attorney in order to ensure your rights are protected.