

From: Dreisigacker, Robin K <RKDreisigacker@uams.edu>

Sent: Monday, April 1, 2024 2:17 PM

To: COM Faculty Mail List <COMFacultyMailList@uams.edu>

Subject: Training on CMS Open Payments System for Physician Faculty (with Outside Employment and COI)

Dear COM Physician Faculty,

Please review the following information on the UAMS Industry Interaction Policy, UAMS Ethical Conduct and Gift Policy, the CMS Open Payments System, Outside Employment process, and Conflicts of Interest Disclosure process. This email provides required annual training for 2024.

CMS Open Payments System...

Under the UAMS Industry Interaction Policy, 4.4.12 (attached), there are limitations on work that faculty can undertake with industry partners. Further, work that is permitted under the policy must be pre-approved in the Outside Employment process (at <https://secure.uams.edu/OutsideEmployment>), that allow departments and colleges to identify/manage any obvious conflicts of commitment or breaches of policy. After obtaining prior approval for Outside Employment, faculty must also disclose these significant interests to the Conflicts of Interest Office using MuseCOI (at <https://coi.uams.edu>) to determine whether a conflict exists, whether it can be managed, and then how best to manage that Conflict of Interest.

Such work also implicates the UAMS Ethical Conduct and Gift Policy, 4.4.09 (attached). We are not permitted to accept anything of value (food, lodging, token gifts) from Industry, with limited exceptions related to your job duties.

One resource in reviewing industry interactions and gifts received by the faculty is the CMS Open Payments System (at <https://www.cms.gov/priorities/key-initiatives/open-payments>). This system provides a searchable database of payments made by drug and medical device companies to physicians nationwide. These payments may be in cash or in kind, for consulting fees, meals, travel, or other expenses.

In a recent internal audit of College of Medicine physician payments, it was found that the payments reported in the CMS Open Payments system did not necessarily match the physician's outside employment requests or conflict of interest disclosures to UAMS. As we reviewed the data in the CMS system against physician calendars and travel schedules, it was apparent that there were many errors in

the data reported. For instance, if we have a record of a surgeon operating at UAMS on the same day that CMS reports that person had a meal half way around the world, we are fairly certain the meal didn't happen and was reported erroneously. This may happen for any number of reasons, but it is important to note that it does happen and should be corrected.

CMS provides a review window every year for physicians to review the data reported to the Open Payments system and request corrections. The College of Medicine administration has been instructed to ensure that our departments and faculty are reviewing this data annually.

Program Year 2022 data has been loaded on the CMS Open Payments website (referenced above). Physicians and their representatives have from April 1 to May 15, 2024, to review and dispute any data that is false.

Please review the data reported in your name for 2022 (if any) and be sure to dispute any erroneous entries on **CMS Open Payments** before the deadline of **May 15, 2024**. This will help our audit team ensure that they have a reliable resource to use for validation of all industry outside employment and conflicts of interest reported. Your department administrators are aware of this review and can be helpful.

For more information regarding reviewing and/or disputing information reported via the CMS Open Payments website, please review the CMS Review & Dispute page:

<https://www.cms.gov/OpenPayments/Program-Participants/Covered-Recipients/Review-and-Dispute>

More on Outside Employment...

The Outside Employment approval process is facilitated at the following web address:

<https://secure.uams.edu/OutsideEmployment>). If you are seeking outside employment, will be paid for consulting, expert witness work or any other compensated or non-compensated role with an outside entity, please request approval before you commit to the work. Note that we will seldom approve outside moonlighting, serving as an expert witness for a plaintiff (need to ensure no conflict), or work with pharmaceutical companies beyond technical advisor or scientific advisory board roles. We do not approve speaker's bureau contracts. If your draft contract with the industry entity mentions "speaker's bureau" or the entity controls the content of your scientific presentations, then it will not be approved (see Industry Interaction Policy attached). We have had some luck getting pharmaceutical companies to drop the speaker's bureau language and make changes to the agreements that allow the faculty member to control the content of the presentation. This is essential if you want approval.

And Don't Forget Conflicts of Interest...

Outside employment is prospective – answering whether UAMS will even allow you to do the work. Conflicts of Interest reporting is to review any potential conflict with the interests of UAMS that arise from the work. For instance, in the outside employment process, we may allow you to serve on the scientific advisory board for a certain company. Upon review in the conflicts of interest process, it is determined that we purchase goods and/or services from this company. Therefore, we must seek to understand whether your role at UAMS has anything to do with purchasing these goods/services and, if so, we must put together a management plan to ensure that the conflict is prevented (e.g. that you no longer have decision making power over purchasing decisions related to that company).

Conflict of interest reporting must be updated annually (at a minimum) or in the event that you establish a relationship with an entity that was previously unreported in the current year. Please do not hesitate to contact the UAMS Conflicts of Interest office with questions: <https://coi.uams.edu/contact-us>.

Thank you for your time and attention to this message.

Best regards,

Robin

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