

**ILLINOIS STATE MEDICAL SOCIETY**

**Resolution 02.2019-25  
(A-19)**

Introduced by:       Howard Axe, M.D., ISMS Member

Subject:                Repeal or Modification of the *Sunshine Act*

Referred to:          Medical Legal Council

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1           Whereas, the *Physician Payments Sunshine Act* was part of the 2010 *Affordable*  
2 *Care Act* as a way to document publicly the financial interactions between industry and  
3 physicians, by requiring the medical industry including Pharma and device  
4 manufacturers and group purchasing organizations to document any payments and gifts  
5 values above \$10; and

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7           Whereas, the *Sunshine Act* data includes cash, in-kind items or services, stock,  
8 consulting fees, honoraria, gifts, entertainment, food, travel, research, charitable  
9 contributions, royalties or licenses, current or prospective ownership or investment  
10 interest, speaker compensation for CME, and grants; and

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12           Whereas, the Centers for Medicare and Medicaid Services (CMS) maintains the  
13 CMS Open Payments website, which has been up and running since 2014, with data  
14 collection having begun in 2013; and

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16           Whereas, advocates of the *Sunshine Act* sought to make the public aware of the  
17 relationship between industry and the medical community, such that physicians would  
18 become less willing to accept payments from industry in order to reduce the influence  
19 of industry on the practice of medicine; and

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21           Whereas, recent data from the CMS website shows the number of records  
22 published has remained at about 12 million since 2014, and the total value including  
23 research and investments was \$7.86 billion in 2014 and has increased to almost \$8  
24 billion in subsequent years, and the number of physicians with payment records was  
25 roughly 625,000 in 2014 and has continued to climb to 631,000 in 2016, the most recent  
26 year for which data has been published, showing that the number of physicians and the  
27 value of payment records has not had the anticipated effect of reduced industry-  
28 physician relationship and influence; and

1           Whereas, the *Sunshine Act* has created an undue burden on practicing physicians  
2 to maintain records and review the accuracy of the data submitted, and has not been  
3 shown to curtail the financial interactions between manufacturers and group purchasing  
4 organizations with physicians; therefore, be it

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6           RESOLVED, that the Illinois State Medical Society adopt as policy opposition  
7 to the *Physician Payments Sunshine Act* as it currently is written and implemented; and  
8 be it further

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10           RESOLVED, that the ISMS support either repeal of the current *Sunshine Act* or  
11 support significant modifications to the *Sunshine Act* that will decrease the burden and  
12 “hassle factor” and support efforts at administrative simplification for physicians, which  
13 the Center for Medicare and Medicaid Services and the organized medical community  
14 has supported, if any portion of the Act is maintained; and be it further

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16           RESOLVED, that the ISMS Delegation to the American Medical Association  
17 introduce a similar resolution to the AMA House of Delegates for consideration and  
18 action.

**Fiscal Note:**

N/A

**Existing ISMS policy related to this issue:**

House of Delegates adopted Resolution B201 (A-18), Accuracy and Accountability of Physician Compensation Reporting by Drug and Device Companies, which states: RESOLVED, that the Illinois State Medical Society (ISMS) introduce a resolution to the American Medical Association (AMA) stating that any compensation reported as part of the *Physician Payments Sunshine Act* should be accompanied by a verifiable receipt signed by the physician acknowledging receipt of said compensation; and be it further RESOLVED, that the ISMS resolution to the AMA stipulate that contested reported compensation should be removed immediately from the OpenPaymentsData.CMS.gov website until the reporting company validates the compensation with a signed receipt; and be it further RESOLVED, that the ISMS resolution stipulate that companies reporting physician payments as part of the *Physician Payments Sunshine Act* without proper documentation shall be fined \$1,000 per occurrence. (HOD 2018)

ISMS supports annual public reporting of Medicaid managed care plan accreditation measures data, for the education of Medicaid clients, physicians, and other providers. (HOD 2011; BOT 2011-OCT; Last BOT Review 2014)