



Monterey County Behavioral Health Policies and Procedures

Policy Number	512
Policy Title	Open Payments Database Notification
References	Assembly Bill Number 1278
Effective	July 1, 2023

Policy

Pursuant to California Assembly Bill Number 1278, effective January 1, 2023, physicians and surgeons licensed pursuant to the California Medical Practice Act or the California Osteopathic Act are mandated to notify beneficiaries (or their Authorized Representative) of the Open Payments Database. Open Payments database is a federal tool used to search payments made by drug and device companies to physician and teaching hospitals. Because Monterey County Behavioral Health (MCBH) serves as the health care employer for several physicians (including locum tenens), it is MCBH's responsibility to ensure compliance with this requirement. This policy applies not only to MCBH but also to all applicable contracted providers where a physician and surgeon may be practicing.

The three (3) components of the Open Payments Database Notification include:

- A personal notice to the beneficiary
- A posted office notice, and
- A notice posted conspicuously on the MCBH QI website.

Personal Notice

Each beneficiary, at the time of their initial MD visit, shall be provided with a physical or electronic notice of the Open Payments Database. Per California Assembly Bill Number 1278, the personal notice *must* include the following text:

“The Open Payments database is a federal tool used to search payments made by drug and device companies to physician and teaching hospitals. It can be found at <https://openpaymentsdata.cms.gov>.”

This notice must be signed and dated by the beneficiary and must be entered into the beneficiary's clinical record. A copy of the signed and dated notice shall also be given to the beneficiary.

Office Notice

A notice must also be posted in a location where it may be visibly seen by all individuals who enter an office (or clinic) where a physician and surgeon practices. Per California Assembly Bill Number 1278, the clinic notice must include the following text:

“For informational purposes only, a link to the federal Centers for Medicare and Medicaid Services (CMS) Open Payments web page is provided here. The federal Physician Payments Sunshine Act requires that detailed information about payment and other payments of value worth over ten dollars (\$10) from manufacturers of drugs, medical devices, and biologics to physicians and teaching hospitals be made available to the public.”

Website Notice

By January 1, 2024, it is required that corresponding websites also reflect the Open Payments Database notice in a conspicuous location. Per California Assembly Bill Number 1278, the website notice must include a link to the Open Payments Database (<https://openpaymentsdata.cms.gov>), in addition to the following text:

“For informational purposes only, a link to the federal Centers for Medicare and Medicaid Services (CMS) Open Payments web page is provided here. The federal Physician Payments Sunshine Act requires that detailed information about payment and other payments of value worth over ten dollars (\$10) from manufacturers of drugs, medical devices, and biologics to physicians and teaching hospitals be made available to the public.”

Procedure

1. At the time of the initial MD visit, the beneficiary (or their authorized representative) shall be provided the Open Payments Database Personal Notice. This notice shall gather the beneficiary’s signature, the date the notice was given, and acknowledgement that a copy was offered. Upon completion of the form, the physician (and/or designee) shall ensure a copy of the signed document is entered into the beneficiary’s electronic health record.
2. All MCBH clinics and applicable contracted provider sites (where a physician and surgeon practices) shall prominently display the Open Payments Database Poster in places that are easily visible by all persons entering the office/clinic.
3. The Open Payments Database Electronic Notice will be prominently posted on the MCBH QI website and on Monterey County’s public facing website with the indicated language required.

Definitions

- I. “Open Payments database” means the database created to allow the public to search for data provided pursuant to Section 1320a-7h of Title 42 of the United States Code and that is maintained by the federal Centers for Medicare and Medicaid Services.
- II. “Physician and surgeon” includes a physician and surgeon licensed pursuant to the Medical Practice Act (Chapter 5 (commencing with Section 2000)) or an osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California under the Osteopathic Act.