

Provision	House	Senate
Pre-emption	Should not pre-empt state laws that require the disclosure of any type of information by any person or entity other than an applicable manufacture.	Does not preempt any statute or regulation of a State or of a political subdivision of a State that requires the disclosure or reporting of information
Start Date for Recording Information	January 1, 2010	January 1, 2012
First Report Due	March 31, 2011	March 31, 2013
Reporting Criteria for Payments	Medical supplies; donations by manufactures and suppliers to self insured health plans; Physician ownership interest by physicians or immediate family members in a manufacturer, group purchasing organization or distributor;	Same as House
Report on self-referral	Study, to be conducted by the Comptroller General of the United States, to evaluate the extent of use of physician self-referral arrangements and the effects of such arrangements on the cost of providing advanced diagnostic imaging and radiation oncology services to Medicare beneficiaries. This report will be submitted to Congress no later than July 1, 2011	a requirement that the referring physician inform the individual in writing at the time of the referral that the individual may obtain the services for which the individual is being referred from a person other than a person described in subparagraph (A)(i) and provide such individual with a written list of suppliers (as defined in section 1861(d)) who furnish such services in the area in which such individual resides.”.
Exempted from Reporting	Retail pharmacies from reporting payments to physicians for prescribing generic drugs; wholesale pharmacies from reporting; payments made to a physician or hospital by a health plan for medical services provided to employees and family members of manufactures; indirect payments that is made to a covered recipient , where the manufacture is unaware of the identity of recipient and not used to market product; indirect payments that is made to a covered recipient , where the manufacture is unaware of the identity of recipient and not used to market product	
Form of Reporting	Electronic	Electronic
Included in Disclosure	name, business address, physician specialty, and national provider identifier; The value of the payment or transfer of value; The name of the related drug, device, or supply, if available, to the level of specificity available; A description of the form of payment; a drug samples, the name, number, date, and dosage units of the sample.	Same as House
Definition of Payment	Gift, food, or entertainment; Travel or trip; Honoraria; Research funding or grant; Education or conference funding; Consulting fees; Ownership or investment interest and royalties or license fee; speaking fees, dividends, profit distribution, stock or stock option grant	Same as House

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Covered Recipient	Physician; Physician Group Practices; Any other prescriber of a covered drug, device, biological or medical supply (adds nurses, nurse practitioners, lab techs, physician assistants, nurse midwives and anyone ordering drug or supplies); Pharmacies and Pharmacists; Health Insurance, group health plan including employees of health plans; Pharmacy Benefit Managers and employees of PBM's; Hospitals; Medical Schools; Sponsors of Continuing Medical Education; Patient Advocacy or Disease Specific Groups; Organizations of Health Professionals (Medical Specialty Societies); Biomedical Researchers; Group Purchasing Organizations	A physician and a teaching hospital.
Excluded from Reporting	Any payments under \$5; The loan of a covered device for a short-term trial period, not to exceed 90 days, to permit evaluation of the covered device by the covered recipient; Items or services provided under a contractual warranty, including the replacement of a covered device, where the terms of the warranty are set forth in the purchase or lease agreement for the covered device; A transfer of anything of value to a covered recipient when the covered recipient is a patient and not acting in the professional capacity of a covered recipient; In-kind items used for the provision of charity care; A dividend or other profit distribution from, or ownership or investment interest in, a publicly traded security and mutual fund; Compensation paid by an applicable manufacturer or distributor to a covered recipient who is directly employed by and works solely for such manufacturer or distributor; Payments made to a covered recipient by an applicable manufacturer or by a health plan affiliated with an applicable manufacturer for medical care provided to employees of such manufacturer or their dependents; Any discount (including a rebate); Any payment or other transfer of value (I) in which the applicable manufacturer is unaware of the identity of the covered recipient and is not using such activity or service to market its product to the covered recipient; and (II) that is not designed to market or promote the product to the covered recipient;	A transfer of anything the value of which is less than \$10, unless the aggregate amount transferred to, requested by, or designated on behalf of the covered recipient by the applicable manufacturer during the calendar year exceeds \$100. Everything else, same as House.
Product Development	payments under a product development agreement must be reported for services furnished in connection with the development of a new drug, device, biological, or medical supply, and must also be reported with the following information: The date of the approval or clearance of the covered drug, device, biological, or medical supply by the Food and Drug Administration; and Payments made two calendar years after this date	Same as House.
Clinical Investigations	The date that the clinical investigation is registered; Payments made two calendar years after this date	Same as House.

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Medicare Part A & B	Hospitals and other health care entities that bill under Part A or Part B of Medicare for services must also report on the ownership shares of each physician who, directly or indirectly, owns an interest in the entity.	
Penalties	A civil money penalty of not less than \$1,000, but not more than \$10,000, for each payment or other transfer of value or ownership or investment interest not reported. The total amount of civil money penalties will not exceed \$150,000. Knowingly failing to submit payment information will result in a civil money penalty of not less than \$10,000, but not more than \$100,000, for each payment. The penalty will not exceed \$1,000,000, or, if greater, 0.1 percentage of the total annual revenues of the reporting entity.	Same as House
Definition of Entity	<p>Applicable group purchasing organization' same as Senate.</p> <p>Applicable distributor' means any entity, other than an applicable group purchasing organization, that buys and resells, or receives a commission or other similar form of payment, from another seller, for selling or arranging for the sale of a covered drug, device, biological, or medical supply; or any entity under common ownership with such an entity and which provides assistance or support to such entity so described with respect to the production, preparation, propagation, compounding, conversion, processing, marketing, or distribution of a covered drug, device, biological, or medical supply. Such term does not include a wholesale pharmaceutical distributor.</p> <p>Manufacturer of a covered device, biological or medical supply same as Senate.</p>	<p>Applicable group purchasing organization' means a group purchasing organization (as defined by the Secretary) that purchases, arranges for, or negotiates the purchase of a covered drug, device, biological, or medical supply which is operating in the United States, or in a territory, possession, or commonwealth of the United States. The term 'applicable manufacturer' means a manufacturer of a covered drug, device, biological, or medical supply which is operating in the United States, or in a territory, possession, or commonwealth of the United States.</p> <p>The term 'manufacturer of a covered drug, device, biological, or medical supply' means any entity which is engaged in the production, preparation, propagation, compounding, or conversion of a covered drug, device, biological, or medical supply (or any entity under common ownership with such entity which provides assistance or support to such entity with respect to the production, preparation, propagation, compounding, conversion, marketing, promotion, sale, or distribution of a covered drug, device, biological, or medical supply).</p>