

1       **Subtitle D—Physician Payments**  
2                   **Sunshine Provision**

3       **SEC. 1451. REPORTS ON FINANCIAL RELATIONSHIPS BE-**  
4                   **TWEEN MANUFACTURERS AND DISTRIBUTORS OF COVERED DRUGS, DEVICES,**  
5                   **BIOLOGICALS, OR MEDICAL SUPPLIES**  
6                   **UNDER MEDICARE, MEDICAID, OR CHIP AND**  
7                   **PHYSICIANS AND OTHER HEALTH CARE ENTITIES AND BETWEEN PHYSICIANS AND OTHER**  
8                   **HEALTH CARE ENTITIES.**

9                   **HEALTH CARE ENTITIES.**  
11       (a) IN GENERAL.—Part A of title XI of the Social  
12 Security Act (42 U.S.C. 1301 et seq.), as amended by sec-  
13 tion 1631(a), is further amended by inserting after section  
14 1128G the following new section:

15       **“SEC. 1128H. FINANCIAL REPORTS ON PHYSICIANS’ FINAN-**  
16                   **CIAL RELATIONSHIPS WITH MANUFACTUR-**  
17                   **ERS AND DISTRIBUTORS OF COVERED**  
18                   **DRUGS, DEVICES, BIOLOGICALS, OR MEDICAL**  
19                   **SUPPLIES UNDER MEDICARE, MEDICAID, OR**  
20                   **CHIP AND WITH ENTITIES THAT BILL FOR**  
21                   **SERVICES UNDER MEDICARE.**

22       “(a) REPORTING OF PAYMENTS OR OTHER TRANS-  
23 FERS OF VALUE.—

24                   “(1) IN GENERAL.—Except as provided in this  
25 subsection, not later than March 31, 2011, and an-

1 nually thereafter, each applicable manufacturer or  
2 distributor that provides a payment or other transfer  
3 of value to a covered recipient, or to an entity or in-  
4 dividual at the request of or designated on behalf of  
5 a covered recipient, shall submit to the Secretary, in  
6 such electronic form as the Secretary shall require,  
7 the following information with respect to the pre-  
8 ceding calendar year:

9 “(A) With respect to the covered recipient,  
10 the recipient’s name, business address, physi-  
11 cian specialty, and national provider identifier.

12 “(B) With respect to the payment or other  
13 transfer of value, other than a drug sample—

14 “(i) its value and date;

15 “(ii) the name of the related drug, de-  
16 vice, or supply, if available, to the level of  
17 specificity available; and

18 “(iii) a description of its form, indi-  
19 cated (as appropriate for all that apply)  
20 as—

21 “(I) cash or a cash equivalent;

22 “(II) in-kind items or services;

23 “(III) stock, a stock option, or  
24 any other ownership interest, divi-

1                   dend, profit, or other return on invest-  
2                   ment; or

3                               “(IV) any other form (as defined  
4                   by the Secretary).

5                               “(C) With respect to a drug sample, the  
6                   name, number, date, and dosage units of the  
7                   sample.

8                               “(2) AGGREGATE REPORTING.—Information  
9                   submitted by an applicable manufacturer or dis-  
10                  tributor under paragraph (1) shall include the ag-  
11                  gregate amount of all payments or other transfers of  
12                  value provided by the manufacturer or distributor to  
13                  covered recipients (and to entities or individuals at  
14                  the request of or designated on behalf of a covered  
15                  recipient) during the year involved, including all pay-  
16                  ments and transfers of value regardless of whether  
17                  such payments or transfer of value were individually  
18                  disclosed.

19                               “(3) SPECIAL RULE FOR CERTAIN PAYMENTS  
20                  OR OTHER TRANSFERS OF VALUE.—In the case  
21                  where an applicable manufacturer or distributor pro-  
22                  vides a payment or other transfer of value to an en-  
23                  tity or individual at the request of or designated on  
24                  behalf of a covered recipient, the manufacturer or  
25                  distributor shall disclose that payment or other

1 transfer of value under the name of the covered re-  
2 cipient.

3 “(4) DELAYED REPORTING FOR PAYMENTS  
4 MADE PURSUANT TO PRODUCT DEVELOPMENT  
5 AGREEMENTS.—In the case of a payment or other  
6 transfer of value made to a covered recipient by an  
7 applicable manufacturer or distributor pursuant to a  
8 product development agreement for services fur-  
9 nished in connection with the development of a new  
10 drug, device, biological, or medical supply, the appli-  
11 cable manufacturer or distributor may report the  
12 value and recipient of such payment or other trans-  
13 fer of value in the first reporting period under this  
14 subsection in the next reporting deadline after the  
15 earlier of the following:

16 “(A) The date of the approval or clearance  
17 of the covered drug, device, biological, or med-  
18 ical supply by the Food and Drug Administra-  
19 tion.

20 “(B) Two calendar years after the date  
21 such payment or other transfer of value was  
22 made.

23 “(5) DELAYED REPORTING FOR PAYMENTS  
24 MADE PURSUANT TO CLINICAL INVESTIGATIONS.—In  
25 the case of a payment or other transfer of value

1       made to a covered recipient by an applicable manu-  
2       facturer or distributor in connection with a clinical  
3       investigation regarding a new drug, device, biologi-  
4       cal, or medical supply, the applicable manufacturer  
5       or distributor may report as required under this sec-  
6       tion in the next reporting period under this sub-  
7       section after the earlier of the following:

8               “(A) The date that the clinical investiga-  
9               tion is registered on the website maintained by  
10              the National Institutes of Health pursuant to  
11              section 671 of the Food and Drug Administra-  
12              tion Amendments Act of 2007.

13             “(B) Two calendar years after the date  
14             such payment or other transfer of value was  
15             made.

16             “(6) CONFIDENTIALITY.—Information de-  
17             scribed in paragraph (4) or (5) shall be considered  
18             confidential and shall not be subject to disclosure  
19             under section 552 of title 5, United States Code, or  
20             any other similar Federal, State, or local law, until  
21             or after the date on which the information is made  
22             available to the public under such paragraph.

23             “(7) PHYSICIANS IN SELF-INSURED HEALTH  
24             PLANS.—Nothing in this subsection shall be con-  
25             strued to require the disclosure of a payment or

1 other transfer of value to a physician by a self-in-  
2 sured health plan.

3 “(b) REPORTING OF OWNERSHIP INTEREST BY PHY-  
4 SICIANS.—

5 “(1) HOSPITALS AND OTHER ENTITIES THAT  
6 BILL MEDICARE.—Not later than March 31 of each  
7 year (beginning with 2011), each hospital or other  
8 health care entity (not including a Medicare Advan-  
9 tage organization) that bills the Secretary under  
10 part A or part B of title XVIII for services shall re-  
11 port on the ownership shares (other than ownership  
12 shares described in section 1877(c)) of each physi-  
13 cian who, directly or indirectly, owns an interest in  
14 the entity.

15 “(2) ADDITIONAL PHYSICIAN OWNERSHIP.—  
16 Not later than March 31 of each year (beginning  
17 with 2011), in addition to the requirement under  
18 subsection (a)(1), any applicable manufacturer, ap-  
19 plicable group purchasing organization, or applicable  
20 distributor shall submit to the Secretary, in such  
21 electronic form as the Secretary shall require, the  
22 following information regarding any ownership or in-  
23 vestment interest (other than an ownership or in-  
24 vestment interest in a publicly traded security and  
25 mutual fund, as described in section 1877(c)) held

1 by a physician (or an immediate family member of  
2 such physician (as defined for purposes of section  
3 1877(a))) in the applicable manufacturer, applicable  
4 group purchasing organization or applicable dis-  
5 tributor during the preceding year:

6 “(A) The dollar amount invested by each  
7 physician holding such an ownership or invest-  
8 ment interest.

9 “(B) The value and terms of each such  
10 ownership or investment interest.

11 “(C) Any payment or other transfer of  
12 value provided to a physician holding such an  
13 ownership or investment interest (or to an enti-  
14 ty or individual at the request of or designated  
15 on behalf of a physician holding such an owner-  
16 ship or investment interest), including the infor-  
17 mation described in clauses (i) through (iii) of  
18 paragraph (a)(1)(B), and information described  
19 in subsection (f)(8)(A) and (f)(8)(B).

20 “(D) Any other information regarding the  
21 ownership or investment interest the Secretary  
22 determines appropriate.

23 “(3) DEFINITIONS.—In this subsection:

1           “(A) PHYSICIAN.—The term ‘physician’ in-  
2           cludes a physician’s immediate family members  
3           (as defined for purposes of section 1877(a)).

4           “(B) APPLICABLE GROUP PURCHASING OR-  
5           GANIZATION.—The term ‘applicable group pur-  
6           chasing organization’ means any organization  
7           or other entity (as defined by the Secretary)  
8           that purchases, arranges for, or negotiates the  
9           purchase of a covered drug, device, biological,  
10          or medical supply.

11          “(4) STUDY OF PRACTICE PATTERNS IN AD-  
12          VANCED DIAGNOSTIC IMAGING AND RADIATION ON-  
13          COLOGY SERVICES.—The Comptroller General of the  
14          United States shall conduct a study to evaluate the  
15          extent of use of physician self-referral arrangements  
16          and the effects of such arrangements on the cost of  
17          providing advanced diagnostic imaging and radiation  
18          oncology services to Medicare beneficiaries under  
19          title XVIII. The study shall be completed and sub-  
20          mitted to Congress not later than July 1, 2011.

21          “(c) PUBLIC AVAILABILITY.—

22          “(1) IN GENERAL.—The Secretary shall estab-  
23          lish procedures to ensure that, not later than Sep-  
24          tember 30, 2011, and on June 30 of each year be-  
25          ginning thereafter, the information submitted under

1 subsections (a) and (b), other than information re-  
2 gard drug samples, with respect to the preceding  
3 calendar year is made available through an Internet  
4 website that—

5 “(A) is searchable and is in a format that  
6 is clear and understandable;

7 “(B) contains information that is pre-  
8 sented by the name of the applicable manufac-  
9 turer or distributor, the name of the covered re-  
10 cipient, the business address of the covered re-  
11 cipient, the specialty (if applicable) of the cov-  
12 ered recipient, the value of the payment or  
13 other transfer of value, the date on which the  
14 payment or other transfer of value was provided  
15 to the covered recipient, the form of the pay-  
16 ment or other transfer of value, indicated (as  
17 appropriate) under subsection (a)(1)(B)(ii), the  
18 nature of the payment or other transfer of  
19 value, indicated (as appropriate) under sub-  
20 section (a)(1)(B)(iii), and the name of the cov-  
21 ered drug, device, biological, or medical supply,  
22 as applicable;

23 “(C) contains information that is able to  
24 be easily aggregated and downloaded;

1           “(D) contains a description of any enforce-  
2           ment actions taken to carry out this section, in-  
3           cluding any penalties imposed under subsection  
4           (d), during the preceding year;

5           “(E) contains background information on  
6           industry-physician relationships;

7           “(F) in the case of information submitted  
8           with respect to a payment or other transfer of  
9           value described in subsection (a)(5), lists such  
10          information separately from the other informa-  
11          tion submitted under subsection (a) and des-  
12          ignates such separately listed information as  
13          funding for clinical research;

14          “(G) contains any other information the  
15          Secretary determines would be helpful to the  
16          average consumer; and

17          “(H) provides the covered recipient an op-  
18          portunity to submit corrections to the informa-  
19          tion made available to the public with respect to  
20          the covered recipient.

21          “(2) ACCURACY OF REPORTING.—The accuracy  
22          of the information that is submitted under sub-  
23          sections (a) and (b) and made available under para-  
24          graph (1) shall be the responsibility of the reporting  
25          entity reporting under subsection (a) or (b), as ap-

1 plicable. The Secretary shall establish procedures to  
2 ensure that the covered recipient is provided with an  
3 opportunity to submit corrections to the applicable  
4 reporting entity with regard to information made  
5 public with respect to the covered recipient and,  
6 under such procedures, the corrections shall be  
7 transmitted to the Secretary.

8 “(3) SPECIAL RULE FOR DRUG SAMPLES.—In-  
9 formation relating to drug samples provided under  
10 subsection (a) shall not be made available to the  
11 public by the Secretary but may be made available  
12 outside the Department of Health and Human Serv-  
13 ices by the Secretary for research or legitimate busi-  
14 ness purposes pursuant to data use agreements.

15 “(4) SPECIAL RULE FOR NATIONAL PROVIDER  
16 IDENTIFIERS.—Information relating to national pro-  
17 vider identifiers provided under subsection (a) shall  
18 not be made available to the public by the Secretary  
19 but may be made available outside the Department  
20 of Health and Human Services by the Secretary for  
21 research or legitimate business purposes pursuant to  
22 data use agreements.

23 “(d) PENALTIES FOR NONCOMPLIANCE.—

24 “(1) FAILURE TO REPORT.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), except as provided in paragraph (2),  
3 any reporting entity that fails to submit infor-  
4 mation required under subsection (a) or (b), as  
5 applicable, in a timely manner in accordance  
6 with regulations promulgated to carry out such  
7 applicable subsection shall be subject to a civil  
8 money penalty of not less than \$1,000, but not  
9 more than \$10,000, for each payment or other  
10 transfer of value or ownership or investment in-  
11 terest not reported as required under such sub-  
12 section. Such penalty shall be imposed and col-  
13 lected in the same manner as civil money pen-  
14 alties under subsection (a) of section 1128A are  
15 imposed and collected under that section.

16           “(B) LIMITATION.—The total amount of  
17 civil money penalties imposed under subpara-  
18 graph (A), with respect to each annual submis-  
19 sion of information under subsection (a) by a  
20 reporting entity, shall not exceed \$150,000.

21           “(2) KNOWING FAILURE TO REPORT.—

22           “(A) IN GENERAL.—Subject to subpara-  
23 graph (B), any reporting entity that knowingly  
24 fails to submit information required under sub-  
25 section (a) or (b), as applicable, in a timely

1 manner in accordance with regulations promul-  
2 gated to carry out such applicable subsection,  
3 shall be subject to a civil money penalty of not  
4 less than \$10,000, but not more than  
5 \$100,000, for each payment or other transfer of  
6 value or ownership or investment interest not  
7 reported as required under such subsection.  
8 Such penalty shall be imposed and collected in  
9 the same manner as civil money penalties under  
10 subsection (a) of section 1128A are imposed  
11 and collected under that section.

12 “(B) LIMITATION.—The total amount of  
13 civil money penalties imposed under subpara-  
14 graph (A) with respect to each annual submis-  
15 sion of information under subsection (a) or (b)  
16 by an applicable reporting entity shall not ex-  
17 ceed \$1,000,000, or, if greater, 0.1 percentage  
18 of the total annual revenues of the reporting en-  
19 tity.

20 “(3) USE OF FUNDS.—Funds collected by the  
21 Secretary as a result of the imposition of a civil  
22 money penalty under this subsection shall be used to  
23 carry out this section.

24 “(4) ENFORCEMENT THROUGH STATE ATTOR-  
25 NEYS GENERAL.—The attorney general of a State,

1 after providing notice to the Secretary of an intent  
2 to proceed under this paragraph in a specific case  
3 and providing the Secretary with an opportunity to  
4 bring an action under this subsection and the Sec-  
5 retary declining such opportunity, may proceed  
6 under this subsection against an applicable manufac-  
7 turer or distributor in the State.

8 “(e) ANNUAL REPORT TO CONGRESS.—Not later  
9 than April 1 of each year beginning with 2011, the Sec-  
10 retary shall submit to Congress a report that includes the  
11 following:

12 “(1) The information submitted under this sec-  
13 tion during the preceding year, aggregated for each  
14 applicable reporting entity that submitted such in-  
15 formation during such year.

16 “(2) A description of any enforcement actions  
17 taken to carry out this section, including any pen-  
18 alties imposed under subsection (d), during the pre-  
19 ceding year.

20 “(f) DEFINITIONS.—In this section:

21 “(1) APPLICABLE DISTRIBUTOR.—The term  
22 ‘applicable distributor’ means—

23 “(A) any entity, other than an applicable  
24 group purchasing organization, that buys and  
25 resells, or receives a commission or other simi-

1 lar form of payment, from another seller, for  
2 selling or arranging for the sale of a covered  
3 drug, device, biological, or medical supply; or

4 “(B) any entity under common ownership  
5 with such an entity described in subparagraph  
6 (A) and which provides assistance or support to  
7 such entity so described with respect to the pro-  
8 duction, preparation, propagation,  
9 compounding, conversion, processing, mar-  
10 keting, or distribution of a covered drug, device,  
11 biological, or medical supply.

12 Such term does not include a wholesale pharma-  
13 ceutical distributor.

14 “(2) APPLICABLE MANUFACTURER.—The term  
15 ‘applicable manufacturer’ means any entity which is  
16 engaged in the production, preparation, propagation,  
17 compounding, conversion, processing, marketing, or  
18 manufacturer-direct distribution of a covered drug,  
19 device, biological, or medical supply (or any entity  
20 under common ownership with such entity and which  
21 provides assistance or support to such entity with re-  
22 spect to the production, preparation, propagation,  
23 compounding, conversion, processing, marketing, or  
24 distribution or a covered drug, device, biological, or  
25 medical supply). For purposes of this section only,

1 such term does not include a retail pharmacy li-  
2 censed under State law.

3 “(3) CLINICAL INVESTIGATION.—The term  
4 ‘clinical investigation’ means any experiment involv-  
5 ing one or more human subjects, or materials de-  
6 rived from human subjects, in which a drug or de-  
7 vice is administered, dispensed, or used.

8 “(4) COVERED DRUG, DEVICE, BIOLOGICAL, OR  
9 MEDICAL SUPPLY.—The term ‘covered’ means, with  
10 respect to a drug, device, biological, or medical sup-  
11 ply, such a drug, device, biological, or medical supply  
12 for which payment is available under title XVIII or  
13 a State plan under title XIX or XXI (or a waiver  
14 of such a plan).

15 “(5) COVERED RECIPIENT.—The term ‘covered  
16 recipient’ means the following:

17 “(A) A physician.

18 “(B) A physician group practice.

19 “(C) Any other prescriber of a covered  
20 drug, device, biological, or medical supply.

21 “(D) A pharmacy or pharmacist.

22 “(E) A health insurance issuer, group  
23 health plan, or other entity offering a health  
24 benefits plan, including any employee of such  
25 an issuer, plan, or entity.

1           “(F) A pharmacy benefit manager, includ-  
2           ing any employee of such a manager.

3           “(G) A hospital.

4           “(H) A medical school.

5           “(I) A sponsor of a continuing medical  
6           education program.

7           “(J) A patient advocacy or disease specific  
8           group.

9           “(K) A organization of health care profes-  
10          sionals.

11          “(L) A biomedical researcher.

12          “(M) A group purchasing organization.

13          “(6) EMPLOYEE.—The term ‘employee’ has the  
14          meaning given such term in section 1877(h)(2).

15          “(7) KNOWINGLY.—The term ‘knowingly’ has  
16          the meaning given such term in section 3729(b) of  
17          title 31, United States Code.

18          “(8) PAYMENT OR OTHER TRANSFER OF  
19          VALUE.—

20          “(A) IN GENERAL.—The term ‘payment or  
21          other transfer of value’ means a transfer of  
22          anything of value for or of any of the following:

23                  “(i) Gift, food, or entertainment.

24                  “(ii) Travel or trip.

25                  “(iii) Honoraria.

1 “(iv) Research funding or grant.

2 “(v) Education or conference funding.

3 “(vi) Consulting fees.

4 “(vii) Ownership or investment inter-  
5 est and royalties or license fee.

6 “(B) INCLUSIONS.—Subject to subpara-  
7 graph (C), the term ‘payment or other transfer  
8 of value’ includes any compensation, gift, hono-  
9 rarium, speaking fee, consulting fee, travel,  
10 services, dividend, profit distribution, stock or  
11 stock option grant, or any ownership or invest-  
12 ment interest held by a physician in a manufac-  
13 turer (excluding a dividend or other profit dis-  
14 tribution from, or ownership or investment in-  
15 terest in, a publicly traded security or mutual  
16 fund (as described in section 1877(c))).

17 “(C) EXCLUSIONS.—The term ‘payment or  
18 other transfer of value’ does not include the fol-  
19 lowing:

20 “(i) Any payment or other transfer of  
21 value provided by an applicable manufac-  
22 turer or distributor to a covered recipient  
23 where the amount transferred to, requested  
24 by, or designated on behalf of the covered  
25 recipient does not exceed \$5.

1           “(ii) The loan of a covered device for  
2           a short-term trial period, not to exceed 90  
3           days, to permit evaluation of the covered  
4           device by the covered recipient.

5           “(iii) Items or services provided under  
6           a contractual warranty, including the re-  
7           placement of a covered device, where the  
8           terms of the warranty are set forth in the  
9           purchase or lease agreement for the cov-  
10          ered device.

11          “(iv) A transfer of anything of value  
12          to a covered recipient when the covered re-  
13          cipient is a patient and not acting in the  
14          professional capacity of a covered recipient.

15          “(v) In-kind items used for the provi-  
16          sion of charity care.

17          “(vi) A dividend or other profit dis-  
18          tribution from, or ownership or investment  
19          interest in, a publicly traded security and  
20          mutual fund (as described in section  
21          1877(c)).

22          “(vii) Compensation paid by an appli-  
23          cable manufacturer or distributor to a cov-  
24          ered recipient who is directly employed by

1 and works solely for such manufacturer or  
2 distributor.

3 “(viii) Payments made to a covered  
4 recipient by an applicable manufacturer or  
5 by a health plan affiliated with an applica-  
6 ble manufacturer for medical care provided  
7 to employees of such manufacturer or their  
8 dependents.

9 “(ix) Any discount (including a re-  
10 bate).

11 “(x) Any payment or other transfer of  
12 value that is made to a covered recipient  
13 indirectly through an entity other than the  
14 applicable manufacturer in connection with  
15 an activity or service—

16 “(I) in which the applicable man-  
17 ufacturer is unaware of the identity of  
18 the covered recipient and is not using  
19 such activity or service to market its  
20 product to the covered recipient; and

21 “(II) that is not designed to mar-  
22 ket or promote the product to the cov-  
23 ered recipient.

24 “(xi) In the case of an applicable  
25 manufacturer who offers a self-insured

1 plan, payments for the provision of health  
2 care to employees under the plan.

3 “(9) PHYSICIAN.—The term ‘physician’ has the  
4 meaning given that term in section 1861(r). For  
5 purposes of this section, such term does not include  
6 a physician who is an employee of the applicable  
7 manufacturer that is required to submit information  
8 under subsection (a).

9 “(10) REPORTING ENTITY.—The term ‘report-  
10 ing entity’ means—

11 “(A) with respect to the reporting require-  
12 ment under subsection (a), an applicable manu-  
13 facturer or distributor of a covered drug, device,  
14 biological, or medical supply required to report  
15 under such subsection; and

16 “(B) with respect to the reporting require-  
17 ment under subsection (b), a hospital, other  
18 health care entity, applicable manufacturer, ap-  
19 plicable distributor, or applicable group pur-  
20 chasing organization required to report physi-  
21 cian ownership under such subsection.

22 “(g) ANNUAL REPORTS TO STATES.—Not later than  
23 April 1 of each year beginning with 2011, the Secretary  
24 shall submit to States a report that includes a summary  
25 of the information submitted under subsections (a), (b),

1 and (e) during the preceding year with respect to covered  
2 recipients or other hospitals and entities in the State.

3 “(h) RELATION TO STATE LAWS.—

4 “(1) IN GENERAL.—Effective on January 1,  
5 2011, subject to paragraph (2), the provisions of  
6 this section shall preempt any law or regulation of  
7 a State or of a political subdivision of a State that  
8 requires an applicable manufacturer and applicable  
9 distributor (as such terms are defined in subsection  
10 (f)) to disclose or report, in any format, the type of  
11 information (described in subsection (a)) regarding a  
12 payment or other transfer of value provided by the  
13 manufacturer to a covered recipient (as so defined).

14 “(2) NO PREEMPTION OF ADDITIONAL RE-  
15 QUIREMENTS.—Paragraph (1) shall not preempt any  
16 statute or regulation of a State or political subdivi-  
17 sion of a State that requires any of the following:

18 “(A) The disclosure or reporting of infor-  
19 mation not of the type required to be disclosed  
20 or reported under this section.

21 “(B) The disclosure or reporting, in any  
22 format, of information described in subsection  
23 (f)(8)(C), except in the case of information de-  
24 scribed in clause (i) of subsection (f)(8)(C).

1           “(C) The disclosure or reporting, in any  
2           format, of the type of information by any per-  
3           son or entity other than an applicable manufac-  
4           turer (as so defined) or a covered recipient (as  
5           defined in subsection (f)).

6           “(D) The disclosure or reporting, in any  
7           format, of the type of information required to  
8           be disclosed or reported under this section to a  
9           Federal, State, or local governmental agency for  
10          public health surveillance, investigation, or  
11          other public health purposes or health oversight  
12          purposes.

13          Nothing in paragraph (1) shall be construed to limit  
14          the discovery or admissibility of information de-  
15          scribed in this paragraph in a criminal, civil, or ad-  
16          ministrative proceeding.”.

17          (b) AVAILABILITY OF INFORMATION FROM THE DIS-  
18          CLOSURE OF FINANCIAL RELATIONSHIP REPORT  
19          (DFRR).—The Secretary of Health and Human Services  
20          shall submit to Congress a report on the full results of  
21          the Disclosure of Physician Financial Relationships sur-  
22          veys required pursuant to section 5006 of the Deficit Re-  
23          duction Act of 2005. Such report shall be submitted to  
24          Congress not later than the date that is 6 months after  
25          the date such surveys are collected and shall be made pub-

1 lically available on an Internet website of the Department  
2 of Health and Human Services.

3 (c) GAO REPORT.—Not later than December 31,  
4 2012, the Comptroller General of the United States shall  
5 submit to Congress a report on section 1128H of the So-  
6 cial Security Act, as added by subsection (a). Such report  
7 shall address the extent to which important transfers of  
8 value are being adequately reported under such section  
9 (including unreported transfers required by such section  
10 as well as transfers not required to be reported by such  
11 section), the impact on States of the federal preemption  
12 provision under subsection (h) of such section, whether  
13 changes have occurred in the pattern of payments as a  
14 result of efforts to evade reporting requirements, a de-  
15 scription of the financial relationships subject to delayed  
16 reporting under subsection (a) of such section, and any  
17 recommended improvements to the collection or the anal-  
18 ysis of data reported under such section.