



Insight

# Sunshine Provision: Right Idea, Wrong Regulation

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Trust is integral to the doctor-patient relationship. Without it, a doctor can't provide the utmost of care because of uncertainties in the mind of the patient. The placebo effect is a supreme example of the healing power of achieving confidence in a patient. At first glance, the [Physician Payment Sunshine provisions](#) of the Affordable Care Act (ACA) would promote the trust that is so critical in the delivery of care.

The proposed rule would require manufacturers and group purchasing organizations (GPOs) of medical devices and pharmaceuticals covered by Medicare or Medicaid to report to the Department of Health and Human Services any "gifts" greater than \$10. This regulation comes at the cost of \$224 million to manufacturers, GPOs and physicians. Additionally, it will take 710,000 hours for physicians to verify the gifts ascribed to them.

Our nation is already facing a physician shortage. Is the burden of this regulation worth its benefits?

Recently, the International Federation of Pharmaceutical Manufacturers and Associations (IFPMA) updated its [code of practice](#) to include a more stringent set of principles related to gifts for physicians. Self-regulation by the trade organization is the right way to go. Little to no administrative burden saves the time and money of manufacturers, physicians and patients.

And if self-regulation isn't enough, the Department of Justice is around to step in on cases of bribery, as it did with [Pfizer](#) and [Johnson & Johnson](#).

In reality, this rule will do little to strengthen the relationship between doctor and patient. A properly trained physician has all the experience and skills necessary to gain a patient's trust. Under the sunshine rule, doctors will be forced to [count the number of bagels](#) they've been gifted instead of using the countless thousands of hours of medical training they've received – a slap in the face courtesy of the ACA.