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Connecticut Legislature Reduces Mandatory Reporting of Payments to APRNs

On May 11, 2015, Connecticut Governor Dannel P. Malloy signed into law Public Act 15-4, “An Act Concerning Reporting of Payments by Manufacturers to Independently-Practicing Advanced Practice Registered Nurses” (P.A. 15-4). P.A. 15-4 is effective from passage and revises a law enacted in 2014 that mandates certain manufacturers to report to the Department of Consumer Protection (DCP) payments or other transfers of value to advanced practice registered nurses (APRNs). The current law (Conn. Gen. Stat. § 21a-70f) is modeled on the federal Physician Payments Sunshine Act (Sunshine Act), which requires certain manufacturers to report annually to the Centers for Medicare and Medicaid Services certain payments or other transfers of value to physicians.

Currently, manufacturers of drugs, devices, biologicals, or medical supplies payable under Medicare or Medicaid are required to report to the DCP certain payments or other transfers of value provided to APRNs. Such reports must provide the same information as required under the Sunshine Act, including, but not limited to, the amount, date, nature, and form (that is, cash, in-kind items or services, stocks or other ownership interests, or any other form of payment or transfer of value) of the payment or value conferred to the APRN. The current law requires that manufacturers submit reports to the DCP quarterly, with the first report due by July 1, 2015.

P.A. 15-4 significantly reduces the reporting burden on manufacturers by limiting the scope of the current law. Pursuant to P.A. 15-4, manufacturers must only report payments or other transfers of value made to APRNs practicing “not in collaboration” with a physician. P.A. 15-4 also revises the statutory definition of “payment or other transfer of value” to exempt from reporting all payments or other transfers of value excluded from reporting under the Sunshine Act, such as transfers of less than \$10 in value and product samples intended for patient use. P.A. 15-4 postpones by two years the initial reporting deadline to July 1, 2017, and only requires annual reporting. Finally, P.A. 15-4 requires the Department of Public Health to publish on its website by December 1, and annually thereafter, a list of all APRNs authorized in Connecticut to practice not in collaboration with a physician. Manufacturers may use this list to determine whether certain payments or other transfers of value to an APRN must be reported to the DCP.

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