

Reporting Prescription Drug Marketing Costs Frequently Asked Questions

1. Who is required to report to Access Rx?

Answer: Title III Sec 301 says “A manufacturer or labeler of prescription drugs dispensed in the District that employs, directs, or utilizes marketing representatives in the District shall report marketing costs for prescription drugs in the District.”

2. When is the reporting deadline?

Answer: July 1st

3. Are late submissions accepted?

Answer: Late submissions must be approved by the Program. Please email dc.accessrx@dc.gov.

4. What file format should AccessRx reports be submitted in?

Answer: Manufacturers should submit prescription drug marketing expenditure reports as an Excel file to the DC Department of Health. Please do not submit reports as PDFs. Please ensure that the file is not password-encrypted.

5. Should payments to physicians and teaching hospitals reported to Open Payments also be reported to Access Rx?

Answer: No. Do not report physician and teaching hospitals to both Open Payments and AccessRx. Manufacturers are not required to report payments to the District (AccessRx) if they have been reported to Open Payments (CMS). In fact, payments to physicians and teaching hospitals should only be reported to AccessRx in special circumstances when they have not been reported to Open Payments.

6. How should gifts to physician offices or medical practices be reported?

Answer: Gifts, including food and beverages, should be attributed to named individuals or entities. Expenditures to physician offices or medical practices that cannot be reasonably allocated to individuals may be reported as a group or non-individual gift; however, expenditures on gifts to physicians must be excluded. It is preferred that gift recipients be named. Gifts to a physician office or medical practice should NOT be reported as a gift to an individual but should be reported as a non-individual gift.

7. Can gifts to physicians be “rolled-up” into gifts given to a group?
Answer: No. Gifts to physicians should not be “rolled-up” into gifts to a group. Gifts to physicians reportable to Open Payments should not be reported to AccessRx.

8. For gift expenses, which fields are required fields and which can be left blank?
Answer: In the gift expenses tab, payments should either be reported for a “Non-Individual Recipient” or for an “Individual Recipient.”

For non-individual entities, the “Non-Individual Recipient” column should be filled in. The three columns for reporting the name of an individual should be left blank. For “Non-Individual Recipients,” the columns for “Recipient Credentials” and “Recipient Affiliated Facility” can be left blank.

If the recipient is an Individual Recipient, the columns for the recipient’s last name, first name, and middle initial should be filled in. The column for “Non-Individual Recipient” should be left blank.

The following columns should be filled out for all payments, whether the recipient is an individual or non-individual: “Recipient Type,” “Nature of Payment,” “Form of Payment,” “Primary Purpose,” “Value,” “Trade Secret?,” and “Resubmission.” The columns for “Other Credential,” “Other Type,” “Other Nature,” etc. can be left blank if the preceding column was not reported as “Other.”

9. For reporting advertising expenses, how should the “Activity Date” be reported: should it be reported when the actual advertisement took place or when the date of payment occurred? For instance, an advertisement may have occurred in 2015, but the payment occurred in 2016. In this case, the data would not have been available for the report until 2016.
Answer: Dates for advertising can be reported in ranges. “Activity Date” refers to when the advertising took place. For television or radio advertisements, the date reported should correspond to when the activity happened, and the payment amount should correspond to the cost of the activity. For mailings or email promotion, the date could be when the materials were mailed or sent out.

10. Can negative values be submitted?
Answer: No. Negative values cannot be entered into the database.

11. If a pharmaceutical manufacturer has nothing to report in DC for healthcare provider payments, does the manufacturer still have to file a report?

Answer: Yes. If a manufacturer did not make any payments to healthcare providers in the District, the manufacturer is not required to submit gift expenses to AccessRx. However, the manufacturer must still report aggregate and advertising expenditures to AccessRx if the manufacturer utilized detailers or employed or contracted with anyone who was engaged in marketing or advertising in the District.