U.S. Federal Sunshine Act

Channel Partners and Agent Responsibilities

U.S. Sunshine Act Compliance

The U.S. Sunshine Act, a.k.a. the National Physician Payment Transparency Program (Open Payments), is a section of the Patient Protection and Affordable Care Act of 2010.

It requires pharmaceutical and medical device companies to report to the federal government certain payments they make to defined healthcare professionals and teaching hospitals. The Sunshine Act also requires companies to report any physician ownership or investment interests.

Bio-Rad is committed to ensuring that the U.S. Sunshine Act data we report is as accurate as possible, and we employed extensive processes to collect and review the data prior to submission.

Sunshine Overview

- Sunshine Act Reporting is managed by the Center for Medicare and Medicaid Services ("CMS").
- The CMS defines:
  - **Applicable Manufacturers** as manufacturing entities that operate in the United States and engage in the production, preparation, propagation, compounding, or conversion of a covered drug, device, biological, or medical supply.
  - **Transfers of Value ("TOV")** are direct or indirect payments of monetary or non-monetary value provided to a Covered Recipient.
- Applicable Manufacturers are required to report all TOVs under one of 14 categories. These categories include: consulting fees, grants, research, honoraria, meals, travel, hotels amongst others.
- The CMS requires Applicable Manufacturers report TOVs to Covered Recipients annually by March 31.
- To find more information regarding reporting responsibilities visit www.cms.gov/OpenPayments

Examples of Covered Recipient

A **Covered Recipient** is any physician who is licensed in the U.S., non-physician practitioners (NPPs) or a teaching hospital that is on a list provided by Centers for Medicare and Medicaid Services (CMS).

Covered Recipients include:

- Medical Doctor (MD)
- Doctor of Osteopathic Medicine (DO)
- Doctor of Optometry (OD)
- Doctor of Chiropractic Medicine (DC)
- Doctor of Medicine in Dentistry (DMD, DDS)
- Doctor of Podiatry (DPM)
- Physician Assistant (PA)
- Nurse Practitioner (NP)
- Certified Registered Nurse Anesthetist (CRNA)
- Clinical Nurse Specialist (CNS)
- Certified Nurse Midwife (CNM)

Agent and Channel Partner Responsibilities

Bio-Rad Agent Responsibilities	Bio-Rad Channel Partner Responsibilities
• Agents do not hold title to Bio-Rad product • Agents are responsible for reporting annually to Bio-Rad any transfers of value given to covered recipients • Bio-Rad will ask Agents annually if they have transferred value to a covered recipient during the previous year on Bio-Rad's behalf	• Channel Partners will be subject to the same requirements as an applicable manufacturer • Channel Partners hold the title to a product and are the direct salesman of the products • Channel Partners are responsible for reporting transfers of value given to covered recipients to Center for Medicare and Medicaid Service

All entities involved in the sale of Bio-Rad products are subject to U.S. Sunshine Act reporting requirements.

Entities who hold title to Bio-Rad products for resale, such as Channel Partners, are required to report TOVs to Covered Recipients directly to CMS.

Entities who do not hold title to Bio-Rad products for resale, such as Sales Agents, are required to report TOVs to Covered Recipients directly to Bio-Rad.

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