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2024 CAA Gag Clause Prohibition Compliance Attestation support for your customers

The Gag Clause Prohibition, which is part of the Consolidated Appropriations Act (CAA), prohibits group health plans and health insurance issuers offering group health coverage from entering into an agreement with a health care provider, network or association of providers, third-party administrator (TPA), or other service provider that includes language that would constitute a “gag clause.” Specifically, these agreements cannot directly or indirectly:

- Restrict disclosure of provider-specific cost or quality of care information or data, through a consumer engagement tool or any other means, to referring providers, the plan sponsor, plan members or individuals who are eligible to become plan members;
- Restrict electronic access to de-identified claims and encounter information or data for each plan member upon request (and consistent with applicable privacy regulations); and/or
- Restrict either the sharing of information or data described in the two preceding bullet points or directing that such information be shared with business associates (and consistent with applicable privacy regulations).

Group health plans are legally required under the Consolidated Appropriations Act (CAA) to submit an annual attestation of compliance to the United States Departments of Labor, Health and Human Services, and the Treasury. The first Compliance Attestation is due no later than December 31, 2024.

We sent your existing Allstate Benefits customers [this communication](#) and your termed Allstate Benefits customers [this communication](#) to explain the requirements and how Allstate Benefits can support them in submitting their attestation. This is only for inforce groups. Impacted terminated groups will receive notice that their plan under our program was in compliance, however, they will need to submit their own attestation to CMS.

An update on fully insured plans will be coming shortly, however, there will not be a need for an employer questionnaire.

For [more information on the Gag Clause Prohibition Compliance Attestation](#) please visit CMS.



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The Self-Funded Program through Allstate Benefits provides tools for employers owning small to mid-sized businesses to establish a self-funded health benefit plan for their employees. The benefit plan is established by the employer and is not an insurance product. Allstate Benefits is a marketing name for: Integon National Insurance Company in NY and VT; Integon Indemnity Corporation in FL; and National Health Insurance Company in CO. To view this email as a web page, go here. Subject: Allstate Benefits announces simplified underwriting WA and all other states where offered. For employers in the Allstate Benefits Self-Funded Program, stop-loss insurance is underwritten by these insurance companies in the noted states.

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