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2024 CAA Gag Clause Prohibition Compliance Attestation support for your Self-Funded plan

The Gag Clause Prohibition Compliance Attestation (GCPCA) is due no later than December 31, 2024. Below, we provide information on what the Gag Clause Prohibition is, the accompanying attestation and surrounding timelines, what Allstate Benefits can do to help your plan with compliance, and instructions to submit your own attestation. We encourage you to read the following information carefully and consult your legal counsel with specific questions.

While employers with self-funded health plans are ultimately responsible to comply with these laws, we recognize that when we all work together you can provide a better health benefits strategy to your members. We are committed to continuing to keep you updated as new guidance is released, and as additional support from Allstate Benefits becomes available.

What is the Gag Clause Prohibition?

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).

What is the Gag Clause Prohibition Compliance Attestation (GCPA)?

The gag clause provisions became effective on December 27, 2020, and group health plans are legally required under the CAA to submit an annual attestation of compliance (a “Compliance Attestation”) to the United States Departments of Labor, Health and Human Services, and the Treasury.

These group health plans include ERISA-governed plans, non-Federal government plans, and church plans subject to the Internal Revenue Code. Both grandfathered and non-grandfathered group health plans must comply with the attestation. (A plan, however, is not required to attest with respect to any excepted benefits or health reimbursement arrangements.)

Due dates

The Compliance Attestation is due December 31, 2024. Subsequent attestations, covering the period since the preceding attestation, are due by December 31 of each year thereafter.

It is your responsibility as the Plan Sponsor to attest to the compliance of your health plans since your last preceding attestation, by submitting your attestation to The Centers for Medicare & Medicaid Services (CMS) by December 31, 2024.

What Allstate Benefits is doing to help

Compliance with the Allstate Benefits Program

From December 20, 2023, on, if you had a plan that was part of the Self-Funded Program through Allstate Benefits, we can confirm that all of the agreements that support your plan through the program, including network agreements, are in compliance with the Gag Clause Prohibition. If you had other coverage during this period, you will need to get confirmation from your prior carriers on your compliance.

Completing your attestation

If you would like Allstate Benefits to complete the first attestation on your behalf, you will need to attest to us that all of your plans since December 20, 2023, are in compliance with the Gag Clause Prohibition as outlined above. If you have questions about your compliance for plans not associated with Allstate Benefits, you will have to consult your previous carrier or your legal counsel.

If you are ready to attest and are in compliance with your health plans since December 20, 2023, and would like us to facilitate your submission to the United States Departments of Labor, Health and Human Services, and the Treasury, complete the link below to submit your request for submission to us.

[Gag Clause Prohibition Compliance Attestation Questionnaire](#)

Your response to us is due no later than December 13, 2024. We will not accept late submissions. If you do not respond to us by December 13, you will need to submit your attestation submission to the United States Departments of Labor, Health and Human Services, and the Treasury on your own by December 31, 2024, to be in compliance.

If you do not respond to our submission request, you are responsible for completing the attestation yourself.

Instruction on self-completion of the Gag Clause Attestation

To complete your Gag Clause Prohibition Attestation on your own, please follow the CMS links below for instruction:

[Gag Clause Prohibition Compliance Attestation | CMS](#)

[Gag Clause Attestation | Welcome! \(cms.gov\)](#)

The information provided herein does not, and is not intended to, constitute legal advice. Nor is it meant to provide a comprehensive explanation of the legal requirements set forth in the Consolidated Appropriations Act. You should contact your attorney to obtain advice with respect to any legal matter or if you have questions regarding your legal obligations.

If you have questions regarding impacts to your plans, please contact your Account Manager at 888-659-1859.



**you're in
good hands®**

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, 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.

Allstate Benefits is a marketing name for: Integon National Insurance Company in TX and IN; and National Health Insurance Company in FL. Group health insurance plans offered by Allstate Benefits are offered by Integon National Insurance Company in TX and IN; and National Health Insurance Company in FL.

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