



Hot Topics

CAA Gag Clause Attestation

What?

- CAA 2021: Plans/insurers must:
 - Remove gag clauses in certain contracts
 - Complete Annual Gag Clause Prohibition Compliance Attestation (GCPCA)
- Gag clause is a contractual restriction of:
 - Disclosure of provider-specific cost or quality-of-care information
 - Electronic access to de-identified claims information
 - Sharing these types of data or information
- Examples:
 - Restricting disclosure of provider rates because it considers them proprietary, or
 - Allowing access to provider-specific cost and quality-of-care information only at the TPA's discretion



Hot Topics

CAA Gag Clause Attestation

More information: [DOL FAQs](#),
[GCPCA website](#), [EBSA Alert](#)

Who?

- Applies to:
 - Agreements between group health plans/insurers and providers, TPAs, other service providers
 - Insured, self-insured, ERISA, public entity, church plans
- Self-insured plans can enter into an agreement to attest
 - TPA that is an insurer can agree to attest for all plans – ASO and insured employers
 - Ask the TPA!

When?

- Gag clause removal – December 27, 2020
- Attestation December 31, 2023 (by December 31 annually thereafter)

How?

- HIOS!



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Resource Spotlight

Gag Clause Prohibition Compliance Attestation (GCPCA)

- CMS GCPCA Landing Page
 - Frequently Asked Questions
 - Instructions for Submitting the GCPCA
 - User Manual for Submitting the GCPCA
 - GCPCA Reporting Entity Excel Template
 - Enter Webform Now for a GCPCA

Health Insurance Oversight System (HIOS)
Gag Clause Prohibition Compliance Attestation
(GCPCA)
User Manual



Centers for Medicare & Medicaid Services