



## Broker Alert

The Consolidated Appropriations Act, Section 201, [Gag Clauses provision](#), prohibits health plans and issuers from entering into agreements with providers that prevent the disclosure of cost and quality information.

The Gag Clauses annual compliance attestation is due December 31 of this year, and annually thereafter, to the Centers for Medicare and Medicaid Services (CMS). Blue Shield of California has determined its provider contracts to be compliant. Please see below for more details.

### **Fully-Insured/Flex-Funded Groups**

Blue Shield will be submitting an annual compliance attestation on behalf of our fully-insured/flex-funded groups. This attestation will be for Blue Shield's provider contracts only. Groups that contract with a third-party insurer besides Blue Shield will be responsible for coordinating an attestation submission for these other insurers' provider contracts.

### **Self-Funded Groups**

Blue Shield will collect an agreement from self-funded administrative services only (ASO) groups, via an intake form to submit the attestation on the group's behalf. This option is only available to ASO groups that have **all** their provider networks with Blue Shield. Groups that contract with any providers, such as mental health or pharmacy providers, through a third party besides Blue Shield will be responsible for submitting their own attestation of compliance. The deadline to submit a response is **October 31, 2024 at 6PM PST**. By default, if no agreement is received via the intake form, Blue Shield will not submit the attestation on behalf of the group.

Shared Advantage and Shared Advantage Plus groups will need to submit their own attestation to the CMS directly.

Groups that will be submitting the attestation themselves, and Shared Advantage and Shared Advantage Plus groups, may use Blue Shield's Confirmation of Compliance statement below to submit the attestation to the CMS directly. Instructions are available [here](#).

### **Blue Shield's Confirmation of Compliance**

Blue Shield of California confirms it is compliant with the federal Consolidated Appropriations Act, Section 201, Gag Clauses provision. We ensure our provider contracts exclude any gag clauses which prevent the sharing of cost and quality data.

As a reminder, Blue Shield's attestation submission will be for provider contracts issued in 2024 and will cover submissions for employer groups with active coverage during this period.

Blue Shield is committed to supporting you in complying with health coverage related regulatory requirements. If you have any additional questions, please contact your Blue Shield representative.

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