Consolidated Appropriations Act (CAA) Prohibition on Gag Clauses provision
In compliance with the Consolidated Appropriations Act (CAA) Prohibition on Gag Clauses provision, Independence Blue Cross (IBX) have ensured there are no gag clauses in our provider contracts or other contracts to which the gag clause prohibition applies.

As required by the CAA, self-funded employers must submit a Gag Clause Prohibition Compliance Attestation (GCPCA) to CMS by December 31, 2023. Fully insured customers don’t need to take any action: IBX will submit attestations on their behalf.

Action is needed from self-funded customers by November 15, 2023
IBX will submit the annual attestation covering the dates of December 27, 2020, through date of submission, on behalf of all employer groups for the time period during which they are/were active customers between December 27, 2020, to present. Self-funded customers, however, can opt-out of having IBX submit the GCPCA on their behalf, meaning they will be responsible for submitting it to CMS directly. All self-funded customers will receive a Notice Amendment to their Administrative Services Agreements in the mail in October with instructions on how they can opt out.

- **Self-funded customers who choose to opt-out must notify IBX by November 15, 2023.** If we do not hear from you by this date, we will submit the GCPCA on your behalf.

- **Self-funded customers who do not choose to opt-out will be asked to respond to a web-based form to collect details that are needed for IBX to submit the attestation.** A link to this web-based form and a date by which we will need the additional details will be included in the amendment mailing.

For self-funded customers who have IBX’s medical but carve out prescription drug or mental health services to other vendors, IBX can’t file the attestation for Pharmacy Benefits and Behavioral Health Provider contracts.

For self-funded customers who opt out, here is how to submit the gag clause attestation

1. Go to the [Gag Clause Prohibition Compliance Attestation](#) website.
2. Scroll down to [Resources](#) at the bottom of the page.
3. Click “Enter Webform Now for a GCPCA.”
4. Sign in and submit the attestation.

For any questions about the submission process, refer to the other links in the [Resources](#) section: [Frequently Asked Questions](#), [Instructions for submitting the GCPCA](#), or [User Manual for submitting the GCPCA](#).
What is the CAA Prohibition on Gag Clauses?
The CAA Prohibition on Gag Clauses provision requires that a group health plan or insurer may not enter into an agreement with a health care provider, network or association of providers, TPA, or other service provider offering access to a network of providers, which directly or indirectly restrict a group health plan or insurer from providing provider-specific cost or quality-of-care information or data, electronically accessing de-identified claims and encounter information or data for each enrollee, or sharing that information or data with a business associate. For more details, visit: https://www.cms.gov/marketplace/about/oversight/other-insurance-protections/gag-clause-prohibition-compliance-attestation.

Confirmation of Compliance
Independence Blue Cross hereby certifies that, for the period of December 27, 2020, through the date of an individual account’s attestation (no later than December 31, 2023), Independence’s agreements with health care providers, networks or associations of providers, TPAs, or with other service providers offering access to a network of providers in which the account and its plan participate with Independence Blue Cross have been compliant with requirements pertaining to the CAA prohibition on gag clauses.

When submitting the attestation, use the above confirmation of compliance as support.

Questions?
If you have any questions, read our FAQ document or contact your account service consultant.