



What is Kaiser Permanente’s approach for complying with Sec. 201 of the CAA, 2021 provision related to the requirements for an annual gag clause prohibition compliance attestation?

Generally, for fully insured group coverage, Kaiser Permanente will insert language in the applicable contract that, notwithstanding other provisions of the contract to the contract, will allow for the sharing of cost and quality of care information and data as well as de-identified claims and encounter information and data to the extent permitted by applicable law (and the sharing of such information with business associates). Each Kaiser health plan issuer will submit the attestation prior to the deadline of December 31, 2023.

Will Kaiser Permanente submit the gag clause prohibition compliance attestation on behalf of fully insured employer groups?

Yes, Kaiser Permanente’s appropriate reporting entities will complete the attestation submission prior to the deadline of December 31, 2023, on behalf of all fully insured employer groups.

Will Kaiser Permanente submit the gag clause prohibition compliance attestation on behalf of groups for self-funded and level-funded Plans?

Yes, KPIC, KFHPWA and KFHPWAO as the TPA will complete the attestation submission prior to the deadline of December 31, 2023, on behalf of its self-funded and level-funded customers that have entered into a non-duplication agreement.

Will Kaiser Permanente submit the gag clause prohibition compliance attestation on behalf of group health plan customers whose coverage is now terminated?

Yes, Kaiser Permanente’s appropriate reporting entities will complete the attestation submission prior to the deadline of December 31, 2023, on behalf of all group health plan customers that had coverage during the attestation reference period, even if the group health plan’s coverage has now ended.

Do groups need to complete any forms and/or any actions for Kaiser Permanente to be able to complete the gag clause prohibition compliance attestation submission on their behalf?

At this time, current employer groups do not need to provide any information or perform any action for Kaiser Permanente to complete the required gag clause prohibition compliance attestation due by December 31, 2023.