Carrier Gag Clause Attestation Breakdown

Cigna:

* **Self Funded**: Cigna’s submission on its own behalf is limited to direct provider contracts and contracts between Cigna and its clients. As such, ASO clients must provide their own attestations to ensure that the totality of its contracts are reflected, e.g., carve-out vendors, direct provider contracts, etc.
* **Fully Insured:** Cigna is obligated to submit an attestation on our own behalf. With Cigna’s submission of its Gag Clause Prohibition Compliance Attestation, the Departments will consider BOTH the plan (clients) and the issuer (Cigna) to have satisfied the attestation submission requirement. Therefore, fully insured clients may choose to rely on Cigna’s attestation.

Aetna:

* **Self Funded & Fully Insured:** Aetna will be submitting the attestations on behalf of plan sponsors regardless of whether they are self-funded or fully insured.

Horizon:

* **Fully Insured Group Plans**: Horizon will attest on the Department of Health and Human Services (HHS) website on behalf of its fully insured groups, as required. No action is required by the customer to attest for their fully insured business with Horizon. This is applicable to both medical and behavioral health coverage.
* **Group health plan sponsors  
  Self-funded Group Health Plan Sponsors (including mixed funded):** The group health plan sponsor is required to submit the attestation on their own behalf. Horizon will provide a Certification of Compliance by the end of 3rd quarter (Q3) 2023, which the self-funded group health plan customer may use to support its attestation submission on the HHS website.
  + Horizon will post the Certificate of Compliance intended for our ASO groups on our website by the end of the Q3 2023, and each year thereafter.

United/Oxford:

* **Fully insured:** UnitedHealthcare will make the attestation to the HHS portal as required. No action is required by the account team or customer to attest for their business with UnitedHealthcare.
* **Level Funded and ASO groups:** UnitedHealthcare does not submit the attestation. UnitedHealthcare will provide a confirmation of compliance, which the group may use to support its own attestation submission to the HHS portal

Oscar:

* **NY & NJ:** Oscar will be submitting the attestation on the group’s behalf.