

ASO GROUP GAG CLAUSE ATTESTATION OF COMPLIANCE

For the time period of December 27, 2020 through December 31, 2023, Blue Cross and Blue Shield of North Carolina (Blue Cross NC) confirms its compliance with section 9824(a)(1) of the Internal Revenue Code, section 724(a)(1) of the Employee Retirement Income Security Act, and section 2799A-9(a)(1) of the Public Health Service Act and that its agreements with health care providers, networks or association of providers, group health plans and/or service providers offering access to a network of providers do not and will not directly or indirectly restrict Blue Cross NC from:

1. Providing provider-specific cost or quality of care information or data, through a consumer engagement tool or any other means, to referring providers, the plan sponsor, participants, beneficiaries, or enrollees, or individuals eligible to become participants, beneficiaries, or enrollees of the plan or coverage.
2. Electronically accessing de-identified claims and encounter information or data for each participant, beneficiary, or enrollee in the plan or coverage, upon request and consistent with the privacy regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the amendments made by the Genetic Information Nondiscrimination Act of 2008 (GINA), and the Americans with Disabilities Act of 1990 (ADA), including, on a per claim basis—
 - a. Financial information, such as the allowed amount, or any other claim-related financial obligations included in the provider contract.
 - b. Provider information, including name and clinical designation.
 - c. Service codes; or
 - d. Any other data element included in claim or encounter transactions; or
3. Sharing information or data described in items (1) or (2), or directing that such data be shared, with a business associate as defined in section 160.103 of title 45, Code of Federal Regulations (or successor regulations), consistent with the privacy regulations promulgated pursuant to section 264(c) of HIPAA, the amendments made by GINA, and the ADA.

This attestation applies to agreements for any network that your group health plan accesses through Blue Cross NC. This attestation does not apply to any network agreements with providers that your group health plan accesses through vendors not contracted through Blue Cross NC.