

To: Cigna Healthcare Clients

Cigna Healthcare Gag Clause Prohibition Confirmation of Compliance Letter

Cigna HealthcareSM will attest to the Departments of Health and Human Services, Labor, and the Treasury that, in accordance 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, the Cigna Healthcare group health plan(s) and group health insurance coverage will not enter into an agreement, and has not, subsequent to December 27, 2020, entered into an agreement with a health care provider, network or association of provider, third-party administrator, or other service provider offering access to a network of providers that would directly or indirectly restrict the group health plan(s) or Cigna Healthcare from:

- 1) Providing provider-specific cost or quality-of-care information or data, through a consumer engagement tool or any other means, to the referring provider, plan sponsor, participants, beneficiaries or enrollees or to 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, the following:
 - (1) Financial information, such as the allowed amount, or any other claim-related financial obligations included in the provider contract.
 - (2) Provider information, including name and clinical designation.
 - (3) Service codes.
 - (4) Any other data element included in claim or encounter transactions.
- 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.

Best Regards,

Cigna Healthcare CAA Compliance

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