Premera Blue Cross
PO Box 327
Seattle, WA 98111-0327

October 1st 2025

To: Premera Blue Cross and Premera HMO Clients

RE: 2025 Gag Clause Prohibition Statement of Compliance

In order to assist self-funded clients with the gag clause prohibition attestation, Premera Blue Cross and Premera Blue Cross HMO (hereinafter jointly known as Premera) attests 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, it has not, for the dates specified, entered into an agreement with a health care provider, network or association of providers, 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 health plan(s) or health insurance issuer(s) 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.

Sincerely,

Jennifer Sanders
Vice-President, Provider Network Management

Premera Blue Cross and Premera Blue Cross HMO are Independent Licensees of the Blue Cross Blue Shield Association