

Reminder—Gag Clause Attestation Due December 31st

December 16, 2025

PRACTICES Employee Benefits and Executive Compensation

Group health plan sponsors must file the annual gag clause attestation required by the Consolidated Appropriations Act of 2021 by December 31st on the CMS website ([here](#)). Plans must attest that agreements with third party administrators, pharmacy benefit managers, and other service providers do not include prohibited gag clauses, which are provisions that restrict access to provider cost or quality information, de-identified claims data, or related disclosures or sharing that information with a HIPAA business associate. For example, a clause that restricts a plan sponsor from disclosing negotiated rates would be problematic.

Many vendors will submit the attestation on behalf of plan sponsors, but plan sponsors are ultimately responsible for ensuring that any applicable contracts contain compliant language and that the attestation is timely filed via the CMS portal.