

## What is the Employer Group RxDC & Gag Clause Attestation Form and why do I need to complete it?

Group Health Cooperative of South Central Wisconsin (GHC-SCW) requires this information on an annual basis for Prescription Drug Data Collection (RxDC) Reporting and Gag Clause Prohibition Compliance Attestations. Completing the Employer Group RxDC & Gag Clause Attestation Form provides GHC-SCW with information necessary to meet these requirements. Submission by the employer group, and receipt by GHC-SCW of the completed Employer Group RxDC & Gag Clause Attestation Form also documents GHC-SCW's agreement to post machine-readable files to GHC-SCW's public website pursuant to the Transparency in Coverage Final Rule and submit reporting/attestations on the employer group's behalf.

## What is the RxDC report?

As described in CMS' most current **Prescription Drug Data Collection (RxDC) Reporting Instructions**: "[The RxDC report] refers to the data submission required under Section 204 of Division BB, Title II (Section 204) of the Consolidated Appropriations Act, 2021 (CAA). The Rx stands for Prescription Drug and the DC stands for Data Collection.

Section 204 requires group health plans (plans) and health insurance issuers (issuers) offering group or individual health insurance coverage to submit information about prescription drugs and health care spending to the Department of Health and Human Services (HHS), the Department of Labor (DOL) and the Department of the Treasury (the Departments). In addition, the Director of the Office of Personnel Management (OPM) requires Federal Employees Health Benefits carriers (carriers) to submit Section 204 data to HHS. The Centers for Medicare & Medicaid Services (CMS) is collecting Section 204 data submissions on behalf of the Departments and OPM.

The implementing regulations for the Section 204 data collection are at **5 CFR part 890, 26 CFR part 54, 29 CFR part 2590, and 45 CFR part 149.**

Additional information regarding RxDC reporting is available on **CMS' website.**

Employer groups can sign up for email announcements and register for training webinars regarding RxDC reporting at **Registration for Technical Assistance Portal (REGTAP).**

### **How is GHC-SCW handling CAA RxDC reporting?**

GHC-SCW and its PBM partner intends to submit all files (P2, D1-D8) for RxDC Reporting for reference year 2024 prior to the June 1, 2025 deadline for its employer groups unless an employer group indicates they will submit their own reporting on the Employer Group RxDC & Gag Clause Attestation Form. Failure to return the Employer Group RxDC & Gag Clause Attestation Form may result in incorrect or incomplete reporting for an employer group.

Employer groups will not receive copies of submitted files.

### **Does GHC-SCW have a written agreement confirming GHC-SCW will submit the RxDC report (or other reports or filings) on behalf of its employer groups?**

Through submission of a completed Employer Group RxDC & Gag Clause Attestation Form from an employee, GHC-SCW documents its agreement to post machine-readable files, submit the annual Gag Clause Prohibition Compliance Attestation and submit RxDC information on behalf of the employer group.

### **Will GHC-SCW provide any notification or confirmation that reference year 2024 RxDC reporting has been completed?**

GHC-SCW will attempt to provide a mass communication confirming submission of the reference year 2024 RxDC Report.

### **Will GHC-SCW submit 2024 reporting for a groups who had GHC-SCW coverage in 2024 and changed carriers on or before 1/1/2025?**

GHC-SCW will submit 2024 reports for all groups with coverage with GHC-SCW in 2024 and include all data available. Employers that changed carriers mid-year should also check with your former/current carrier to confirm how they are reporting partial-year data.

### **Some carriers have indicated they will no longer submit the D1 file on behalf of its employer groups, what is GHC-SCW's stance on this?**

GHC-SCW will complete the D1 file for all employer groups for reference year 2024.

**Does GHC-SCW need any information from its employer groups to complete reports?**

Yes, GHC-SCW requires information from its employer groups in order to accurately complete reportings. All employer groups should complete and submit the Employer Group RxDC & Gag Clause Attestation Form.

We are requesting that employers complete an Employer Group RxDC & Gag Clause Attestation Form within thirty (30) days and no later than April 15, 2025.

**GHC-SCW will not be responsible for reporting errors due to inaccurate or incomplete data, or an employer's failure to complete the Employer Group RxDC & Gag Clause Attestation Form.**

**Will GHC-SCW submit the required CAA Air Ambulance reporting for all employer groups?**

At this time there is no final rule regarding this reporting requirement and reporting will not begin until a final rule has been published. GHC-SCW will continue to monitor for updates.