



LEGAL ADVICE FOR HEALTH PLANS

Summary of Guidance on Provisions of the Transparency in Coverage and Consolidated Appropriations Act, 2021

The following table provides a brief summary of guidance issued by the Departments of Health and Human Services, Labor, and Treasury (the “Departments”) in their **Implementation Part 49** on August 20, 2021.

[Click here](#) for a copy of the Guidance.

Provision	Compliance Date		Rules/Guidance Good Faith Compliance
	Original	Revised	
Transparency in Coverage Rule Prescription Drug Machine Readable File See FAQ # 1	1/1/2022	On Hold	Compliance date postponed. Departments to consider rulemaking to address requirements. No requirement for publishing file until Rule is published.
Transparency in Coverage Rule In-Network and Out-of-Network Machine Readable Files See FAQ # 2	1/1/2022	7/1/2022	Compliance date postponed. No indication of additional Rules or guidance.
Transparency in Coverage Rule Price Comparison Tool See FAQ # 3	1/1/2023 1/1/2024	No Change	Compliance for 500 items and services on 1/1/2023 and all covered items and services on 1/1/2024. Rulemaking to ensure Transparency in Coverage Tool meets all requirements of CAA Tool.

Provision	Compliance Date		Rules/Guidance
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Consolidated Appropriation Act, 2021 Price Comparison Tool See FAQ # 3	1/1/2022	1/1/2023	Compliance date postponed. Rulemaking to incorporate requirement to make information available over the phone. Rulemaking to determine whether Transparency in Coverage Tool meets all requirements of CAA Tool.
Consolidated Appropriation Act, 2021 Advanced Explanations of Benefits See FAQ # 6	1/1/2022	On Hold	Compliance date postponed. Departments to publish rules on standards for data transfers for providers' good-faith estimates (on which Advanced EOBs are to be based) among other matters. No requirement until Rules are published. HHS will, however, "investigate whether interim solutions are feasible."
Consolidated Appropriation Act, 2021 Reporting on Pharmacy Benefits and Drug Costs See FAQ # 12	12/27/2021 6/1/2022	On Hold	Compliance date postponed. No requirement for reporting by first two compliance dates (listed at left). Requirements for subsequent compliance dates (June 1 each year beginning in 2023) are "pending the issuance of regulations or further guidance."
Consolidated Appropriation Act, 2021 Transparency in Identification Cards See FAQ # 4	1/1/2022	No Change	Departments plan to issue rules addressing requirements, but they will not be published before the compliance date. Good-faith compliance is required.
Consolidated Appropriation Act, 2021 Gag Clauses on Price and Quality Data See FAQ # 7	12/27/2020	No Change	Provision is "self-implementing" and no rules are anticipated. Departments may issue implementation guidance but Plans and Issuers should implement requirements based on a "good faith, reasonable interpretation of the statute."

Provision	Compliance Date		Rules/Guidance
	Original	Revised	Good Faith Compliance
Consolidated Appropriation Act, 2021 Provider Directory Requirements See FAQ # 8	1/1/2022	No Change	Departments plan to issue rule addressing requirements, but they will not be published before the compliance date. Good-faith compliance is required and must include limiting cost-sharing to in-network amounts when member receives care from out-of-network provider due to inaccurate provider directory information.
Consolidated Appropriation Act, 2021 Balance Billing Disclosures See FAQ # 9	1/1/2022	No Change.	Departments may address requirements in more detail in future guidance or rulemaking but Plans and Issuers should implement requirements based on a “good faith, reasonable interpretation of the statute.” Model Notice may be used to help with good-faith compliance.
Consolidated Appropriation Act, 2021 Continuity of Care Requirements See FAQ # 10	1/1/2022	No Change	Departments plan to issue rules addressing requirements, but they will not be published before the compliance date. Plans and Issuers should implement requirements based on a “good faith, reasonable interpretation of the statute.”

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