

Employer Insights to Consolidated Appropriations Act Attestation

CAA Survey Results Overview
Spring 2024



Survey Summary

The Consolidated Appropriations Act (CAA) Attestation Survey, a national poll of employers, was conducted March-April 2024

The survey gauged concerns and views of employers around their perspectives and experiences with the CAA including:

- Fiduciary responsibility
- Filing practices with CAA
- Influence factors including challenges and concerns
- Opportunities for improvements

The survey included 56 responses from private and public employers and purchasers across the country

- Wide range of employer sizes (small <500 – jumbo sized employers 10,000+)
- Numerous industries

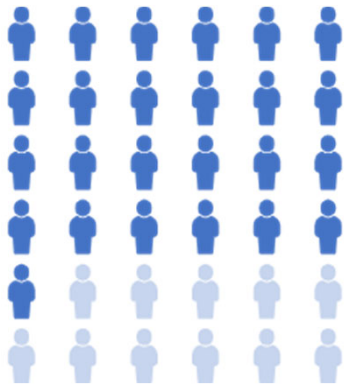


Navigating Fiduciary Responsibility

Employers express a preference for shared accountability and express skepticism about placing the full fiduciary burden on themselves

“Employers are reliant on their vendors to comply. So, there should be some ‘skin in the game’ for vendors.” - Survey Respondent

69%



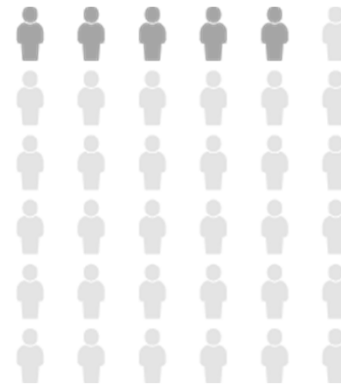
Employers and carriers should share fiduciary responsibility jointly

15%



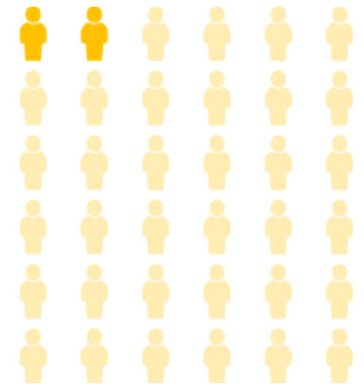
Not sure

12%



Employers should delegate fiduciary responsibility to carriers

4%



Employers should have sole fiduciary responsibility

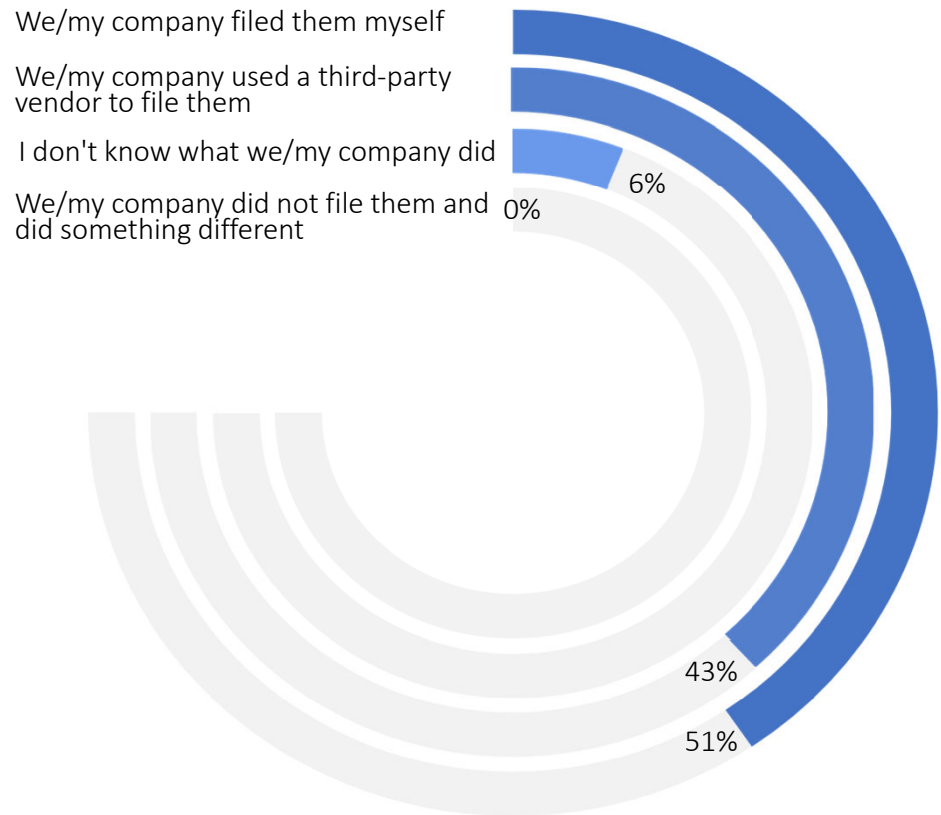
Employer Compliance Attestation Experience

Employers are split between managing compliance independently (51%) or relying on third-party vendors (43%)

- Among employers surveyed, there is a near-even split between those who handle CAA document filing internally (51%) and those who enlist third-party vendors (43%), indicating a reliance on external assistance and potential gaps in employer knowledge
- 6% of employers were unsure about their company's filing method, signaling a need for increased understanding and education on CAA requirements

“I’m still a bit confused on what the CAA requires of us...”

- Survey Respondent

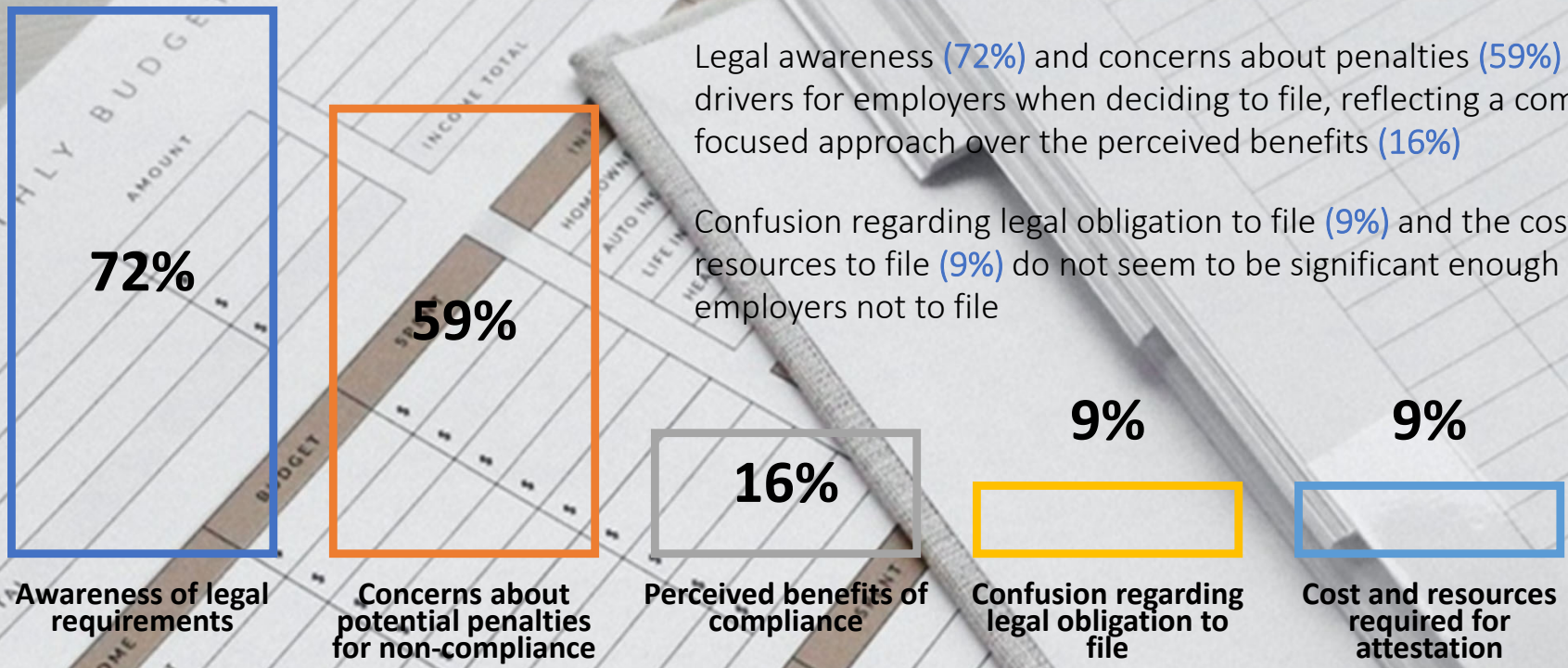


CAA Attestation Factors: Decision Influences

Employers prioritize requirements and concerns over perceived benefits when deciding to file CAA attestations

Legal awareness (72%) and concerns about penalties (59%) are primary drivers for employers when deciding to file, reflecting a compliance-focused approach over the perceived benefits (16%)

Confusion regarding legal obligation to file (9%) and the cost and resources to file (9%) do not seem to be significant enough barriers for employers not to file



Awareness of legal requirements

Concerns about potential penalties for non-compliance

Perceived benefits of compliance

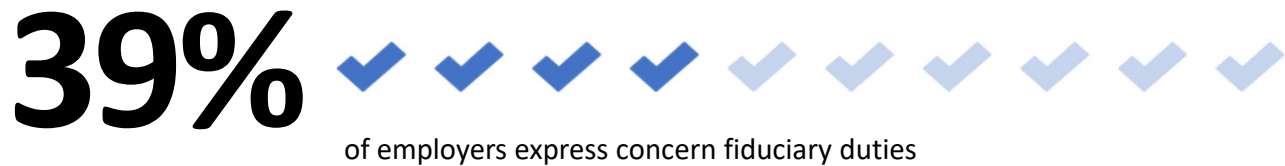
Confusion regarding legal obligation to file

Cost and resources required for attestation

Primary Concerns for Employers

Concerns “keeping employers up at night” are healthcare costs (77%), fiduciary duties (39%) and recent litigation (35%)

“They are all connected, impactful financially, administratively and legally.” – Survey Respondent



Recent Litigation Effects on Compliance and Benefits

Despite 35% of employers being concerned about recent litigation employers express various responses to recent litigation and its potential future impacts

Almost three quarters (73%) of employers note some type of impact to employee benefits and compliance regarding the Johnson & Johnson lawsuit and other recent litigation, yet the diverse responses (e.g., 38% see minimal impact, while 19% are not sure) suggest some misunderstanding of potential implications, and opportunities for enhanced education.

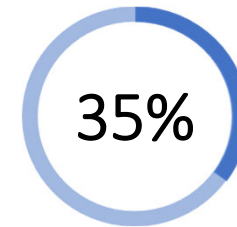
Quotes from Respondents

“Our leadership doesn't seem to be overly concerned about the current lawsuits as they want to see what the ultimate outcome is.”

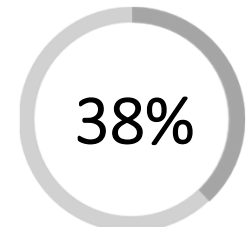
“Need to educate myself on the J&J lawsuit and whether it could impact our organization.”

“Moderate, as we have been working and functioning as a fiduciary for our members and the plan all along.”

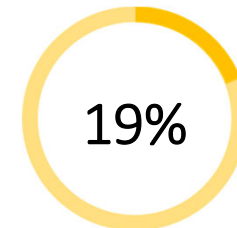
“Not an ERISA plan but concerned this could impact us in the future.”



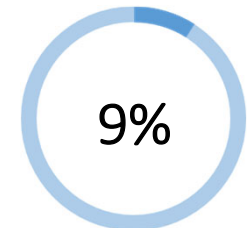
Significant or moderate impact



Minimal impact



Not sure



No impact

CAA Insights: Employer Actions and Hurdles

&H KGJT@MNNC<M@ H IS@? A@@GLBN<=JPODC@ \$ " " !" OO@NO<OJI KMJ >@NN

63% Have **not** enacted changes to business practices due to CAA requirements

28% Have enacted changes to business practices due to CAA requirements

9% Do not know if changes have been enacted

Among employers who have enacted changes (28%) improvements mentioned, include:

- Providing access to machine-readable files on company websites
- Implementing fiduciary processes
- Conducting regular reviews of CAA requirements in committee meetings
- Formalizing benefit committee processes

Employers offered improvements for efficiency to the CAA attestation process, including:

- Carriers need to be part of the solution by providing client specific reporting, not aggregate block of business reporting
- Improved communication and streamlining in the CAA process
- Confirmation emails regarding filing completion
- Clearer and more user-friendly instructions
- Better processes to address difficulty submitting and issues with submitting multiple vendors

**National Alliance of Healthcare
Purchaser Coalitions**

1015 18th Street, NW
Suite 705
Washington, DC 20036
p: 202-775-9300
f: 202-775-1569

Together, we are
driving change in
healthcare



The National Alliance brings together coalitions and their members to ensure employers and other plan sponsors are a recognized force in driving health, equity and value.

About the National Alliance Purchaser Coalitions

For over 30 years, the National Alliance has united business coalitions and their employer/purchaser members to achieve high-quality care that improves patient experience, health equity, and outcomes at lower costs. Its members represent private and public sector, nonprofit, and labor union organizations that provide health benefits for more than 45 million Americans and spend over \$400 billion annually. To learn more, visit nationalalliancehealth.org and connect on [LinkedIn](#) and [X](#).

General information: Shawn Gremminger, sgremminger@nationalalliancehealth.org

Media contact: Cary Conway, cconway@nationalalliancehealth.org

