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Employers want Greater Accountability from Intermediaries to Ensure CAA Compliance per National Alliance of Healthcare Purchaser Coalitions Survey

WASHINGTON – May 15, 2024 – There is growing concern among employers that they could face litigation if they are not exercising their fiduciary responsibilities as required by the complex attestation requirements that took effect on January 1 as part of the Consolidated Appropriations Act (CAA). To learn more about employer understanding of fiduciary responsibility, filing practices, influence factors, and opportunities for improvements, the nonprofit National Alliance of Healthcare Purchaser Coalitions (National Alliance) conducted a survey of employers and released the results today.

“The goal of the CAA law was to ensure access for employers to their data,” said Shawn Gremminger, National Alliance president and CEO. “However, it appears that many consider the attestation only a new ‘check the box’ legal requirement. If employers aren’t taking advantage of this new right to their data, then they’re missing a real opportunity. Advocates need to do a better job of explaining to employers what their rights are and how this data can be transformational.”

Key findings include:

- Primary concerns that “keep you up at night” for employers are healthcare costs (77%), fiduciary duties (39%), and recent litigation (35%).
- A majority of employers (69%) advocate for shared fiduciary responsibility between themselves and carriers, emphasizing collaboration in decision-making and goal alignment.
- There is a near-even split between those employers 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.
- Notably, a percentage (6%) of employers were unsure about their company's filing method, signaling a need for increased understanding and education on CAA requirements.
- 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.
- 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 unsure) suggest some misunderstanding of potential implications, and opportunities for enhanced education.
- Over three-quarters (77%) of employer’s expressed concern about healthcare costs, indicating the significant financial strain it imposes.
- Among employers who have enacted changes (28%), various improvements were mentioned, including providing access to machine-readable files on company websites, implementing fiduciary processes, conducting regular reviews of CAA requirements in committee meetings, and formalizing benefit committee processes.

The online poll includes responses from 56 private and public employers and purchasers that are members of coalitions affiliated with the National Alliance and was conducted in March-April 2023. [The findings can be accessed here.](#)

Fiduciary Check-in Webinar

On May 16, 2024, at noon ET, the National Alliance is hosting a complimentary webinar, “Sharing Employer Experience on CAA Attestations: Is There a Sea Change Coming?,” where the survey results and strategies to mitigate the risk of litigation will be discussed. [Register here](#).

About National Alliance of Healthcare 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](#).

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