

## Consolidated Appropriations Act (CAA) Compliance Questionnaire

New laws and regulations (including the CAA) have established new duties and liabilities for employers. These new rules are designed to help employers, and they make sense! Transparency in health care will help employers to manage cost, reduce waste, and provide better outcomes for their employees. It will take some effort, but the benefits will far out weight the costs. Some tasks can be delegated to service providers, but the plan administrator has a fiduciary duty to monitor those providers and ensure that the plan is compliant.

The following questionnaire provides a starting point to support plan fiduciaries in identifying appropriate information to gather, tasks to complete, and questions to ask in order to run a compliant plan under the CAA.

### QUESTION FOR PLAN FIDUCIARIES:

#### Fiduciary Process

1. Do you understand your fiduciary duties?
2. Do you have any co-fiduciary (in writing) relationships with vendors?
3. Have you established a fiduciary process to manage your plan, oversee all vendors, and demonstrate compliance?
4. Have you established a secure file storage system to house plan documents and claims data?

#### Gag Clauses

5. Do you understand what gag clauses are and why they need to be removed?
6. Have you established a process to review all plan contracts and identify prohibited language?
7. Have you negotiated for the removal or nullification of all prohibited language?
8. Are you prepared to attest that all prohibited language has been removed or nullified from all providers contracts?

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## Compensation & Services Disclosures

9. Do you understand the definition of a Covered Service Provider (CSP) under the CAA?
10. Are you familiar with the definition of a Prohibited Transaction under ERISA section 408(b)(2)?
11. Have you identified all CSP associated with your health & welfare benefits plan?
12. Are you aware of what the CSP disclosures must include?
13. Have you received the required disclosures from all CSP?
14. Have you reviewed all disclosures and determined they are complete & compliant?
15. Do you have a process in place to determine if the compensation of each CSP is reasonable? (Benchmarking, RFP, etc.)
16. Have you completed the comparative research necessary to determine if the compensation of each CSP is reasonable?

## Reporting on Pharmacy Benefits and Drug Costs

17. Have you confirmed that you will have the Pharmacy benefit & drug cost and compliance report available as required by the law?
18. Are you prepared to report on plan years 2020, 2021, 2022, and all future plan years?
19. Have you defined a process to address & resolve issues related to creating reports on pharmacy benefits and drug costs?

## Reporting on Mental Health Parity

20. Do you understand the definition of Non-Quantitative Treatment Limitations (NQTL)?
21. Have you established a process to determine who is going to complete the NQTL comparative analysis required by the CAA?
22. Have you established a process to address non-compliance issues identified by the comparative analysis?
23. Have you created a process to ensure the report is available to the DOL upon request?

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# OneVision

OneVision has created the fiduciary framework employers need for their health benefits plans. It can be implemented either via a do-it-yourself (DIY) approach or employers can engage OneVision as co-fiduciary consultants.

The OneVision process was developed leveraging 60+ years of experience implementing fiduciary governance of ERISA plans. As a co-fiduciary to your organization, OneVision is committed to work on your behalf, ensuring a fiduciary process is applied to all components of your plan.

**Trust** your established service providers.

But also **Verify & Document** that your plan is being administered appropriately.



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