45 CFR § 147.212 - Transparency in coverage—requirements for public disclosure.

**§ 147.212 Transparency in coverage—requirements for public**[**disclosure**](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=395a03a1c484b7a92bccbe5563d46c25&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212)**.**

**(a)** ***Scope and definitions***—(1) *Scope.* This section establishes price transparency requirements for group health [plans](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) and [health insurance issuers](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) in the individual and [group markets](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=b0313d6b8577b9be3e8a6ff2d113f614&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) for the timely [disclosure](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=395a03a1c484b7a92bccbe5563d46c25&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) of information about costs related to covered items and services under a [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance coverage](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=8cb1da61fe4207bff7613d72e6094944&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212).

**(2)** ***Definitions.*** For purposes of this section, the definitions in [§ 147.210](https://www.law.cornell.edu/cfr/text/45/147.210) apply.

**(b)** ***Requirements for public disclosure of in-network provider rates for covered items and services, out-of-network allowed amounts and billed charges for covered items and services, and negotiated rates and historical net prices for covered prescription drugs.*** A group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) must make available on an internet website the information required under [paragraph (b)(1)](https://www.law.cornell.edu/cfr/text/45/147.212#b_1) of this section in three machine-readable files, in accordance with the method and format requirements described in [paragraph (b)(2)](https://www.law.cornell.edu/cfr/text/45/147.212#b_2) of this section, and that are updated as required under [paragraph (b)(3)](https://www.law.cornell.edu/cfr/text/45/147.212#b_3) of this section.

**(1)** ***Required information.*** [Machine-readable files](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=33404a493d1b70c42624986fe6d2cf6c&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) required under this paragraph (b) that are made available to the public by a group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) must include:

**(i)** An in-network rate [machine-readable file](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=33404a493d1b70c42624986fe6d2cf6c&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) that includes the required information under this paragraph (b)(1)(i) for all covered items and services, except for prescription drugs that are subject to a fee-for-service reimbursement arrangement, which must be reported in the prescription drug [machine-readable file](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=33404a493d1b70c42624986fe6d2cf6c&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) pursuant to [paragraph (b)(1)(iii)](https://www.law.cornell.edu/cfr/text/45/147.212#b_1_iii) of this section. The in-network rate [machine-readable file](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=33404a493d1b70c42624986fe6d2cf6c&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) must include:

**(A)** For each coverage option offered by a group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), the name and the 14-digit Health Insurance Oversight System (HIOS) identifier, or, if the 14-digit HIOS identifier is not available, the 5-digit HIOS identifier, or if no HIOS identifier is available, the Employer Identification Number (EIN);

**(B)** A [billing code](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=4026185dc74ae7f008fd65eac4860f65&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), which in the case of prescription drugs must be an NDC, and a plain language description for each [billing code](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=4026185dc74ae7f008fd65eac4860f65&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) for each covered item or service under each coverage option offered by a [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212); and

**(C)** All applicable rates, which may include one or more of the following: Negotiated rates, underlying fee schedule rates, or derived amounts. If a group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) does not use negotiated rates for provider reimbursement, then the [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) should disclose derived amounts to the extent these amounts are already calculated in the normal course of business. If the group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) uses underlying fee schedule rates for calculating cost sharing, then the [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) should include the underlying fee schedule rates in addition to the [negotiated rate](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2122b91988c1002fbdb6d7895e5e6e7a&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or derived amount. Applicable rates, including for both individual items and services and items and services in a bundled payment arrangement, must be:

***(1)*** Reflected as dollar amounts, with respect to each covered item or service that is furnished by an [in-network provider](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e4ba6a2cc296c4866ae7114a7691ce1b&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212). If the [negotiated rate](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2122b91988c1002fbdb6d7895e5e6e7a&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) is subject to change based upon [participant](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=56c864c2d2fd9c342588fb860042af36&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), beneficiary, or enrollee-specific characteristics, these dollar amounts should be reflected as the base [negotiated rate](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2122b91988c1002fbdb6d7895e5e6e7a&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) applicable to the item or service prior to adjustments for [participant](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=56c864c2d2fd9c342588fb860042af36&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), beneficiary, or enrollee-specific characteristics;

***(2)*** Associated with the National Provider Identifier (NPI), Tax Identification Number (TIN), and Place of Service Code for each [in-network provider](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e4ba6a2cc296c4866ae7114a7691ce1b&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212);

***(3)*** Associated with the last date of the contract term or expiration date for each provider-specific applicable rate that applies to each covered item or service; and

***(4)*** Indicated with a notation where a reimbursement arrangement other than a standard fee-for-service model (such as capitation or a bundled payment arrangement) applies.

**(ii)** An [out-of-network allowed amount](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=01d2e1b73dc40d58d9445568b809b1a4&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) [machine-readable file](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=33404a493d1b70c42624986fe6d2cf6c&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), including:

**(A)** For each coverage option offered by a group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), the name and the 14-digit HIOS identifier, or, if the 14-digit HIOS identifier is not available, the 5-digit HIOS identifier, or, if no HIOS identifier is available, the EIN;

**(B)** A [billing code](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=4026185dc74ae7f008fd65eac4860f65&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), which in the case of prescription drugs must be an NDC, and a plain language description for each [billing code](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=4026185dc74ae7f008fd65eac4860f65&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) for each covered item or service under each coverage option offered by a [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212); and

**(C)** Unique out-of-network allowed amounts and billed charges with respect to covered items or services furnished by [out-of-network providers](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=895c0a40d1ad43793878fb0c7498fbf8&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) during the 90-day time period that begins 180 days prior to the publication date of the [machine-readable file](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=33404a493d1b70c42624986fe6d2cf6c&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) (except that a group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) must omit such data in relation to a particular item or service and provider when compliance with this paragraph (b)(1)(ii)(C) would require the [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) to report payment of out-of-network allowed amounts in connection with fewer than 20 different claims for payments under a single [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or coverage). Consistent with [paragraph (c)(3)](https://www.law.cornell.edu/cfr/text/45/147.212#c_3) of this section, nothing in this paragraph (b)(1)(ii)(C) requires the [disclosure](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=395a03a1c484b7a92bccbe5563d46c25&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) of information that would violate any applicable health information privacy law. Each unique [out-of-network allowed amount](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=01d2e1b73dc40d58d9445568b809b1a4&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) must be:

***(1)*** Reflected as a dollar amount, with respect to each covered item or service that is furnished by an [out-of-network provider](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=895c0a40d1ad43793878fb0c7498fbf8&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212); and

***(2)*** Associated with the NPI, TIN, and Place of Service Code for each [out-of-network provider](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=895c0a40d1ad43793878fb0c7498fbf8&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212).

**(iii)** A prescription drug [machine-readable file](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=33404a493d1b70c42624986fe6d2cf6c&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), including:

**(A)** For each coverage option offered by a group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), the name and the 14-digit HIOS identifier, or, if the 14-digit HIOS identifier is not available, the 5-digit HIOS identifier, or, if no HIOS identifier is available, the EIN;

**(B)** The NDC, and the proprietary and nonproprietary name assigned to the NDC by the Food and Drug Administration (FDA), for each covered item or service that is a prescription drug under each coverage option offered by a [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212);

**(C)** The negotiated rates which must be:

***(1)*** Reflected as a dollar amount, with respect to each NDC that is furnished by an [in-network provider](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e4ba6a2cc296c4866ae7114a7691ce1b&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), including an in-network pharmacy or other prescription drug dispenser;

***(2)*** Associated with the NPI, TIN, and Place of Service Code for each [in-network provider](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e4ba6a2cc296c4866ae7114a7691ce1b&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), including each in-network pharmacy or other prescription drug dispenser; and

***(3)*** Associated with the last date of the contract term for each provider-specific [negotiated rate](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2122b91988c1002fbdb6d7895e5e6e7a&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) that applies to each NDC; and

**(D)** [Historical net prices](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=deb44150604759549df26d05e287b566&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) that are:

***(1)*** Reflected as a dollar amount, with respect to each NDC that is furnished by an [in-network provider](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e4ba6a2cc296c4866ae7114a7691ce1b&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), including an in-network pharmacy or other prescription drug dispenser;

***(2)*** Associated with the NPI, TIN, and Place of Service Code for each [in-network provider](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e4ba6a2cc296c4866ae7114a7691ce1b&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), including each in-network pharmacy or other prescription drug dispenser; and

***(3)*** Associated with the 90-day time period that begins 180 days prior to the publication date of the [machine-readable file](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=33404a493d1b70c42624986fe6d2cf6c&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) for each provider-specific [historical net price](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=deb44150604759549df26d05e287b566&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) that applies to each NDC (except that a group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) must omit such data in relation to a particular NDC and provider when compliance with this paragraph (b)(1)(iii)(D) would require the [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) to report payment of [historical net prices](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=deb44150604759549df26d05e287b566&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) calculated using fewer than 20 different claims for payment). Consistent with [paragraph (b)(3)](https://www.law.cornell.edu/cfr/text/45/147.212#b_3) of this section, nothing in this paragraph (b)(1)(iii)(D) requires the [disclosure](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=395a03a1c484b7a92bccbe5563d46c25&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) of information that would violate any applicable health information privacy law.

**(2)** ***Required method and format for disclosing information to the public.*** The [machine-readable files](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=33404a493d1b70c42624986fe6d2cf6c&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) described in this paragraph (b) must be available in a form and manner as specified in guidance issued by the Department of the Treasury, the Department of Labor, and the Department of Health and Human Services. The [machine-readable files](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=33404a493d1b70c42624986fe6d2cf6c&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) must be publicly available and accessible to any person free of charge and without conditions, such as establishment of a user account, password, or other credentials, or submission of [personally identifiable information](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=64e513e0ea2627c9b71bde32038f5d6e&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) to access the file.

**(3)** ***Timing.*** A group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) must update the [machine-readable files](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=33404a493d1b70c42624986fe6d2cf6c&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) and information required by this paragraph (b) monthly. The group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) must clearly indicate the date that the files were most recently updated.

**(4)** ***Special rules to prevent unnecessary duplication***—(i) *Special rule for insured group health plans.* To the extent coverage under a group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) consists of [group health insurance coverage](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1f2125091538794101ccfd7914e59eea&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), the [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) satisfies the requirements of this paragraph (b) if the [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) requires the [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) offering the coverage to provide the information pursuant to a written agreement. Accordingly, if a [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) and a group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) sponsor enter into a written agreement under which the [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) agrees to provide the information required under this paragraph (b) in compliance with this section, and the [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) fails to do so, then the [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), but not the [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), violates the transparency [disclosure](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=395a03a1c484b7a92bccbe5563d46c25&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) requirements of this paragraph (b).

**(ii)** ***Other contractual arrangements.*** A group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) may satisfy the requirements under this paragraph (b) by entering into a written agreement under which another party (such as a third-party administrator or health care claims clearinghouse) will provide the information required by this paragraph (b) in compliance with this section. Notwithstanding the preceding sentence, if a group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) chooses to enter into such an agreement and the party with which it contracts fails to provide the information in compliance with this paragraph (b), the [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) violates the transparency [disclosure](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=395a03a1c484b7a92bccbe5563d46c25&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) requirements of this paragraph (b).

**(iii)** ***Aggregation permitted for out-of-network allowed amounts.*** Nothing in this section prohibits a group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) from satisfying the [disclosure](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=395a03a1c484b7a92bccbe5563d46c25&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) requirement described in [paragraph (b)(1)(ii)](https://www.law.cornell.edu/cfr/text/45/147.212#b_1_ii) of this section by disclosing out-of-network allowed amounts made available by, or otherwise obtained from, an [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), a service provider, or other party with which the [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) has entered into a written agreement to provide the information, provided the minimum claim threshold described in [paragraph (b)(1)(ii)(C)](https://www.law.cornell.edu/cfr/text/45/147.212#b_1_ii_C) of this section is independently met for each item or service and for each [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or coverage included in an aggregated Allowed Amount File. Under such circumstances, health insurance [issuers](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), service providers, or other parties with which the group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) has contracted may aggregate out-of-network allowed amounts for more than one [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or insurance policy or contract. Additionally, nothing in this section prevents the Allowed Amount File from being hosted on a third-party website or prevents a [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) administrator or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) from contracting with a third party to post the file. However, if a [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) chooses not to also host the file separately on its own website, it must provide a link on its own public website to the location where the file is made publicly available.

**(c)** ***Applicability.***

**(1)** The provisions of this section apply for [plan years](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=bb0131d9928ea774174ff62fad1205ed&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) (in the [individual market](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=3dd878bc870273f558048c72b343f318&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), for policy years) beginning on or after January 1, 2022.

**(2)** As provided under [§ 147.140](https://www.law.cornell.edu/cfr/text/45/147.140), this section does not apply to grandfathered health [plans](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212). This section also does not apply to health reimbursement arrangements or other account-based group health [plans](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) as defined in [§ 147.126(d)(6)](https://www.law.cornell.edu/cfr/text/45/147.126#d_6) or short term limited duration insurance as defined in [§ 144.103](https://www.law.cornell.edu/cfr/text/45/144.103) of this subchapter.

**(3)** Nothing in this section alters or otherwise affects a group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212)'s or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212)'s duty to comply with requirements under other applicable [state](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=3c5a400d75f0080aaa310862d9c72611&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or Federal laws, including those governing the accessibility, privacy, or security of information required to be disclosed under this section, or those governing the ability of properly authorized representatives to access [participant](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=56c864c2d2fd9c342588fb860042af36&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212), or beneficiary information held by [plans](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) and issuers.

**(4)** A group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) will not fail to comply with this section solely because it, acting in good faith and with reasonable diligence, makes an error or omission in a [disclosure](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=395a03a1c484b7a92bccbe5563d46c25&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) required under [paragraph (b)](https://www.law.cornell.edu/cfr/text/45/147.212#b) of this section, provided that the [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) corrects the information as soon as practicable.

**(5)** A group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) will not fail to comply with this section solely because, despite acting in good faith and with reasonable diligence, its internet website is temporarily inaccessible, provided that the [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) makes the information available as soon as practicable.

**(6)** To the extent compliance with this section requires a group health [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [health insurance issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f3dadb49e662158dcec1dc0fc74b7f66&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) to obtain information from any other entity, the [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) will not fail to comply with this section because it relied in good faith on information from the other entity, unless the [plan](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2b74e43866fc5b8f1f15155c434c7c1d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) or [issuer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1941fa05d02dda0a2e526e084c1262b7&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) knows, or reasonably should have known, that the information is incomplete or inaccurate.

**(d)** ***Severability.*** Any provision of this section held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, or stayed pending further [agency](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=017bcdd83daf6939fd805b3c73e4d61d&term_occur=999&term_src=Title:45:Chapter:A:Subchapter:B:Part:147:147.212) action, shall be severable from this section and shall not affect the remainder thereof or the application of the provision to persons not similarly situated or to dissimilar circumstances.

[[85 FR 72305](https://www.law.cornell.edu/rio/citation/85_FR_72305), Nov. 12, 2020]