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Prohibiting Discrimination Based on Genetic Information in Health Insurance Coverage and Group Health Plans

Comment On: EBSA-2008-0020-0023

Interim Final Rules Prohibiting Discrimination Based on Genetic Information in Health Insurance Coverage and Group Health Plans

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Submitter Information

Name: Bill Hammond

Address:

1209 Nueces

Austin, TX, 78701

Email: bhammond@txbiz.org

Phone: 512-477-6721

Organization: Texas Association of Business

General Comment

Hilda Solis

Secretary

U.S. Department of Labor

200 Constitution Avenue NW

Washington, DC 20210

RE: Title I of the Genetic Information Nondiscrimination Act (GINA)

Dear Ms. Solis:

The Texas Association of Business is committed to the health and well being of our member's employees whether they are multi-national corporations or small businesses. Most of these understand the importance of offering wellness programs as a way to maintain the health status of their employees as well as to restrain health care costs.

The recent interim final regulation issued by the U.S. Department of Treasury, the U.S. Department of Health and Human Services and the U.S. Department of Labor seeking to implement Title I of the Genetic Information Nondiscrimination Act (GINA) will greatly reduce the effectiveness of these programs.

The rule eliminates family medical history questions from a health risk assessment (HRA) and limits the ability to match individuals with appropriate wellness and disease management services. The result will be a rise in chronic conditions with employers experiencing increased health care costs and productivity losses.

In the current economic climate, employers are looking for ways to keep health care costs down. Title I of GINA, though well intended, will seriously derail these efforts. Therefore, TAB joins with the U.S. Chamber and thousands of Texas businesses in respectfully requesting an immediate moratorium on the implementation and enforcement of these regulations.

Respectfully,

Bill Hammond
CEO