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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

Document: EBSA-2008-0020-DRAFT-0042

Comment on FR Doc # E9-22504

Submitter Information

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Organization: BlueScope Steel North America

General Comment

As an employer, we promote wellness through encouraging employees to take Health Risk Appraisals. The answers submitted are never seen by company personnel. Allowing the Health Risk Appraisal to ask questions about family history make the assessment of risk much more meaningful and we kindly request you allow Health Risk Appraisals to facator in this information.

Attachments

EBSA-2008-0020-DRAFT-0042.1: Comment on FR Doc # E9-22504



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Submitted through the Federal eRulemaking Portal <http://www.regulations.gov>.

Office of Health Plan Standards
and Compliance Assistance
Employee Benefits Security Administration
U.S. Department of Labor
Washington, DC 20210

Attention: RIN 1210-AB27

Ladies and Gentlemen:

We are writing regarding the interim final rules implementing sections 101 through 103 of the Genetic Information Nondiscrimination Act of 2008 (“GINA”). The request was published by the Departments of Labor, Health and Human Services, and the Treasury in the *Federal Register* on October 7, 2009.

Our wellness programs: Wellness, prevention, and disease management programs address potential health problems of our employees, often before they develop into more costly and deadly chronic disease. These programs are among the limited available avenues open to us to encourage and guide healthy behavior, and, to help us control healthcare costs while improving our employees’ quality of life.

Health Risk Assessments (HRA), including questions designed to gather family medical history, are a critical component of our wellness programs. We have found that employees participate in these beneficial HRAs or other wellness or disease management programs to a greater extent when financial incentives are offered.

Impact of the regulation: The interim final regulation under Title I of GINA would undermine our wellness programs by precluding our ability to provide a financial incentive to individuals who complete an HRA that requests family medical history and to provide rewards to employees for meeting certain health-related goals. If this regulation is allowed to be implemented, we fear that completion rates of HRAs will suffer significantly, and participation in wellness programs will plummet. The regulation will also hamstring our ability to guide employees into disease management programs based on information provided in an HRA.

We appreciate this opportunity to provide comments and would be happy to further discuss our concerns with you.

Sincerely,
Sheila Hayter
Director, Comp and Benefits
BlueScope Steel North America

Cc:

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