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***GENETIC INFORMATION NON-DISCRIMINATION ACT OF 2008 (GINA)  
GUIDANCE: HEALTH RISK ASSESSMENTS AND WELLNESS PROGRAMS***

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New rules under the Genetic Information and Non-discrimination Act (GINA) restrict group health plans or wellness programs from offering premium reductions, altering deductibles or providing any other financial incentive for participating in a health risk assessment (HRA) that asks for family medical history - which is considered genetic information. The law states groups may not deny enrollment, impose pre-existing exclusions, or perform any form of underwriting based on genetic information.

Employers will need to update their plans to ensure that their HRAs and any associated policies and procedures comply with GINA's prohibition on using genetic information prior to or in connection with enrollment or for underwriting purposes for plan years **beginning on or after December 7, 2009**.

In order to ensure our clients compliance with this new law, the J.S. Clark Agency has pro-actively contacted our medical carriers who provide wellness programs and HRA documents. We fully expect our carriers to have made the proper modifications to their HRA documents to exclude genetic questions to comply with GINA on time.

To clarify, even if the plan has a wellness program which requires completion of an HRA, employers may no longer request genetic information (family medical history).

***WHAT GINA WILL ALLOW:***

1. A financial incentive to complete an HRA, but it must **exclude** any questions concerning family medical history.
2. Questions concerning family medical history, but in turn, employers may not offer a financial incentive to complete the HRA.
3. A financial incentive to complete an HRA that does not ask for family medical history, but does include an **optional** addendum that requests this information. However, the employer must clearly state that employees who leave the addendum blank will still receive the financial incentive for completing the required portion of the HRA.

Please be advised that even if the HRA omits questions concerning family medical history, the HRA must clearly state for the record that family medical history should not be provided in response to open-ended questions.

If you have any questions regarding the regulations and the impact on your health plan, or wellness program, please contact your J.S. Clark Account Manager at **248.355.9600**.