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Sent: Friday, October 02, 2009 7:12 PM
To: EBSA, E-OHPSCA - EBSA
Subject: Comment/Question - GINA Regulations

Hello-

Would providing a "gift card" or "cash bonus" that is not directly related to the group health plan violate the underwriting requirement if the Health Risk Assessment contains family medical history questions? I have provided an example below and a proposed response - however I am not clear (based on the interim regulations) that this response is correct. Clarification would be welcomed.

Example:

The plan sponsor of a group health plan provides a \$50 gift card to plan participants who complete a health risk assessment. The health risk assessment is requested to be completed after enrollment. Whether or not it is completed or what responses are provided has no effect on an individual's enrollment status nor the premiums or contributions the employer provides under the plan. The health risk assessment includes questions about the individual's family medical history.

Proposed Answer:

The availability of the \$50 gift card for completion of the health risk assessment would violate 2590.702-1(d)1(ii)(B) as it would be "a payment in kind or a rebate" in return for the completion of the health risk assessment.

If you can clarify this by example in the final regulations it would be greatly appreciated.

Thank you -

Alicia

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