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Sent: Monday, October 12, 2009 11:04 AM
To: EBSA, E-OHPSCA - EBSA
Cc: Gabel, Phyllis A.
Subject: Rules Comment, GINA

Hello

My questions and comments have to do with how GINA could affect wellness programs. We have a self-insured medical plan and a wellness program.

1. Staff receive additional dollars toward benefits for achieving parameters on screenings (with or without medication and following the HIPAA non-discrimination language on alternative standards). They also must do a HRA which may have family medical history BUT they are **not able** to be individually identified and no one from the organization can see their individual results. A third party maintains the site and only gives the company aggregate data for the entire company. I would hate to see either of these systems be deemed illegal. I am not clear whether our program is ok or not.

2. Our pharmacy benefit manager cannot see the HRA either but based on medications, can send out information to employees and their physicians. This could occur for narcotic use, diabetes management. The employer is not in the loop at all. I would also hate to see this become illegal

My major concern about all this legislation is that it becomes so complex and we don't have a broker. The burdens the federal government place on employers is overwhelming. We are attempting to follow all the state and federal laws, drive a bottom line and provide wellness to our employees hoping that we will get healthier staff and maybe manage healthcare costs. I understand the concerns that drove GINA but please do not adversely affect wellness programs, including making the rules so stringent that it is just not worth it for employers to participate in these types of programs.

Thanks,
Phyllis Gabel
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Spokane, WA