

 **WELCOA**
Recommends
THE **BEST RESOURCES** IN WORKPLACE WELLNESS

10 great resources on
HIPAA & GINA



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10 great resources on HIPAA & GINA



When it comes to building results-oriented workplace wellness programs, federal regulations regarding HIPAA and GINA can strike fear into the hearts of business leaders and health promotion practitioners everywhere. But it need not be this way. With a little guidance pointing you in the right direction, you'll be able to gather the very best information on both of these pieces of national legislation (developed by some of the nation's best and brightest and minds in the country) so that you can learn how to effectively position your organization's wellness program without having to worry about potential litigation.

In this issue of WELCOA Recommends, WELCOA President Dr. David Hunnicutt has scoured the web to identify the very best articles from the very best minds on both of these topics. To make your life easier, we've highlighted and reviewed these ten great resources. By clicking on the links contained in this publication, you'll learn more about each of these pieces of legislation and how it affects your workplace wellness initiative.



HIPAA

1 Final HIPAA Nondiscrimination Regulations Spur Employers to Review Workplace Wellness Programs

Jackson Lewis



For 50 years, Jackson Lewis has placed a high premium on preventive strategies and positive solutions in the practice of workplace law. They partner with employers to devise policies and procedures promoting constructive employee relations and limiting disputes. In this article, they provide a solid overview of the HIPAA non discrimination act and how it impacts employers and workplace wellness initiatives.

WELCOA Recommends Rating: ★★★★★

Weblink: <http://www.jacksonlewis.com/legalupdates/article.cfm?aid=1040>

2 Final HIPAA Nondiscrimination and Wellness Program Regulations

Allison McGrath Gardner, Connors and Winters, Tulsa, OK



In this excellent whitepaper, McGrath Gardner highlights the issues related to the HIPAA Non-Discrimination Act and how it applies to employers and their workplace wellness program. She does a particularly good job in highlighting HIPAA's five conditions of a standards-based wellness program.

WELCOA Recommends Rating: ★★★★★

Weblink: http://www.churchbenefitsassociation.org/AnnualMtg/Workshop07/program/12_Final_HIPAA_Non-discrimination_and_Wellness_Program_Regulations.pdf

About WELCOA

The Wellness Council of America (WELCOA) was established as a national not-for-profit organization in the mid 1980's through the efforts of a number of forward-thinking business and health leaders. Drawing on the vision originally set forth by William Kizer, Sr., Chairman Emeritus of Central States Indemnity, and WELCOA founding Directors that included Dr. Louis Sullivan, former Secretary of Health and Human Services, and Warren Buffet, Chairman of Berkshire Hathaway, WELCOA has helped influence the face of workplace wellness in the U.S.

Today, WELCOA has become one of the most respected resources for workplace wellness in America. With a membership in excess of 3,200 organizations, WELCOA is dedicated to improving the health and well-being of all working Americans. Located in America's heartland, WELCOA makes its national headquarters in one of America's healthiest business communities Omaha, Nebraska.

3 Final HIPAA Nondiscrimination Regulations For Wellness Programs

White & Case LLP



Founded in New York in 1901, White & Case has lawyers in the United States, Latin America, Europe, the Middle East, Africa and Asia. Their clients are public and privately held commercial businesses and financial institutions, as well as governments and state-owned entities, involved in sophisticated corporate and financial transactions and complex dispute resolution proceedings. In this article, experts from White & Case provide insightful information regarding the final HIPAA nondiscrimination regulations for wellness programs.

WELCOA Recommends Rating: ★★★★★

Weblink: http://www.whitecase.com/ecbelfocus_0607_2/



Log on to www.welcoa.org to learn more.

What is HIPAA?

When it comes to wellness programs, the Health Insurance Portability and Accountability Act (HIPAA) is probably the most common legal issue practitioners must be aware of and address. HIPAA is a broad law that protects the privacy of individually identifiable health information. Despite what some may think, HIPAA isn't meant to discourage wellness programs or to completely prohibit premium discounts or co-payment or deductible reductions. It's simply intended to protect employees from discriminatory practices.

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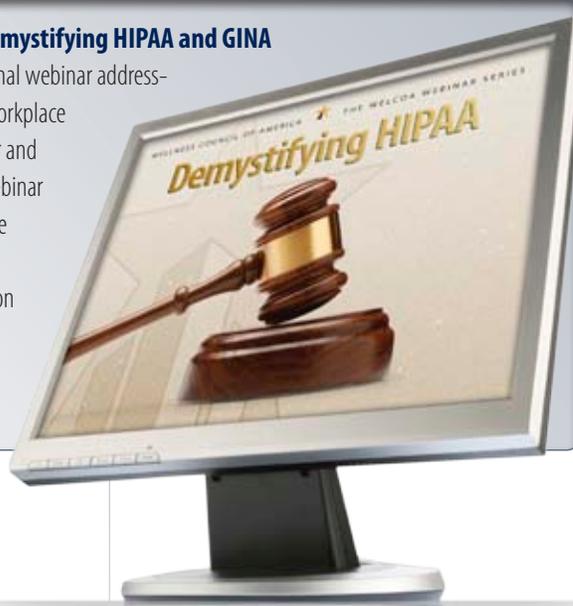
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What is GINA?

The Genetic Information Nondiscrimination Act of 2008 (P.L. 110-233, 122 Stat. 881)1, also referred to as GINA, is a new Federal law that prohibits discrimination in health coverage and employment based on genetic information. The President signed the act into law on May 21, 2008. The section of the law relating to health coverage (Title I) generally will take effect between May 22, 2009, and May 21, 2010. The sections relating to employment (Title II) took effect on November 21, 2009. GINA required regulations pertaining to both titles to be completed by May 2009.

WELCOA's National Webinar on Demystifying HIPAA and GINA

In January of 2010, WELCOA held a national webinar addressing HIPAA, GINA and how they impact workplace wellness programs. Led by Abigail Nadler and colleagues from M3 in Wisconsin, this webinar was attended by more than 300 corporate leaders and national workplace wellness practitioners. An audio recording will soon be available to all WELCOA members at <http://www.absoluteadvantage.org> at no charge.



4 Final HIPAA Nondiscrimination Regulations Issued

Segal & Sibson



Sibson Consulting, a Division of Segal, provides strategic human resources solutions to corporate and non-profit employers. Sibson's services include benefits, compensation, talent and performance management, communications, sales force effectiveness and change management. In a bulletin developed by their experts, Segal & Sibson further examines the final HIPAA non discrimination regulations. What is particularly useful about this article is the section providing guidance on what action employers should take.

WELCOA Recommends Rating: ★★★★★

Weblink: <http://www.sibson.com/uploads/448563b4bbf84296293d44db239987f8.pdf>

5 Does Your Wellness Program Comply With The HIPAA Nondiscrimination Regulations?

Holme Roberts & Owen LLP



Holme Roberts & Owen LLP is an international law firm with approximately 230 lawyers based in ten Arizona, California, Colorado, Utah, and European offices. With a strong commitment to its legal work and to client service, HRO represents companies of all sizes and industries across the United States and around the world in high profile business transactions and disputes. In this Alert issued by their firm, experts from this law practice provide a checklist of issues for employers to consider when it comes to determining compliance with HIPAA.

WELCOA Recommends Rating: ★★★★★

Weblink: <http://www.hro.com/files/file/publications/Alert%20-%20WellnessProgram.pdf>

GINA

6 Do Your Health and Wellness Plans Violate GINA?

Ogletree Deakins



Ogletree Deakins is one of America's leading labor and employment law firms. Serving as advocates for management, they have a national reputation for legal excellence and responsive client service. Ogletree Deakins' labor and employment practice is complemented and supported by related practice groups in the areas of business immigration, litigation, employee benefits, environmental law, occupational safety and health, and construction law. In this legal briefing, experts from their firm shed light on the new GINA regulations and what it means to employers and their wellness initiatives. This is an excellent article.

WELCOA Recommends Rating: ★★★★★

Weblink: <http://www.ogletreedeakins.com/publications/index.cfm?Fuseaction=PubDetail&PublicationID=946>

7 GINA Interim Final Regulations – Wellness and Disease Management Programs Impacted

Kilpatrick Stockton



From emerging growth companies to the Fortune 500, Kilpatrick Stockton offers proactive, trusted counsel across a wide range of legal services. A close collaboration among attorneys across all their practice areas ensures they have the breadth and depth of resources necessary to serve all their clients' needs—from routine legal matters to the most sophisticated transactions. In a legal Alert issued by the firm, experts outline GINA and provide an excellent summary of the legislation and how it potentially impacts a company's wellness program.

WELCOA Recommends Rating: ★★★★★

Weblink: <http://www.kilpatrickstockton.com/publications/legal-alert.aspx?ID=389>

8 GINA Rules Restrict Wellness Questionnaires

Thompson



Since 1972, thousands of professionals in business, government, law and academia have relied on Thompson Publishing Group for the most authoritative, timely and practical guidance available. Throughout the years, these professionals have come to rely on TPG for help in tracking, and complying with, the dynamic regulatory mandates facing their organizations in a variety of areas. In this timely update, professionals from Thompson weigh in on the new GINA regulations—with a wellness emphasis. They also offer links to additional information and resources (at cost).

WELCOA Recommends Rating: ★★★★★½

Weblink: <http://www.thompson.com/public/newsbrief.jsp?cat=BENEFITS&id=2416>

The Most Dynamic Workplace Wellness Training Schedule Is In Full Swing

To see WELCOA's National Webinar Schedule for 2010 simply visit: <http://welcoa.org/consulttrain/webinar.php>

Not a WELCOA Member?

Did you know that WELCOA has almost 4,000 corporate members across the country? As one of the nation's premier resources for workplace wellness, WELCOA provides the most comprehensive benefits of any organization in the U.S.

To learn more about WELCOA benefits, simply visit:

<http://welcoa.org/member/benefits.php>

To become a WELCOA member today, simply visit:

<http://welcoa.org/store/sidenav/joinwelcoa.html>



“GINA is a new Federal law that prohibits discrimination in health coverage and employment based on genetic information.”

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How to Build A Results-Oriented Workplace Wellness Program: A WELCOA Special Report Now Available At No Charge!

For the past 20 years, the Wellness Council of America has dedicated its efforts to studying and promoting the efforts of America's Healthiest Companies. During that period, WELCOA developed its patented Well Workplace process. At the core of the Well Workplace model, we have identified seven key benchmarks of success. Specifically, these seven benchmarks are inherent in companies that have built results-oriented workplace wellness programs. To get your free report, simply visit this link:

http://www.welcoa.org/www/pdf/aa_6.1_novdec06.pdf



10 New Interim Final GINA Regulations Affect Wellness Programs

Larry Grudzien



Larry Grudzien is an Illinois-based attorney who brings a unique perspective to the management of employee benefit plans and other related human resource functions. In this article, Mr. Grudzien weighs in with his take on GINA and provides expert advice on how to effectively address the specific issues which will keep you insulated from litigation.

WELCOA Recommends Rating: ★★★★★

Weblink: http://larrygrudzien.com/benefits_attorney/new-interim-final-gina-regulations-affect-wellness-programs/

All information contained in this article was reviewed by WELCOA. WELCOA does not have any type of relationship or financial arrangement with any of the entities highlighted in this publication.



ABOUT **David Hunnicutt** PHD

Dr. David Hunnicutt is the President of the Wellness Council of America. As a leader in the field of health promotion, his vision has led to the creation of numerous publications designed to link health promotion objectives to business outcomes.

9 GINA Impacts Employer Health Plan Enrollment, Wellness Programs, and Health Risk Assessments

Dorsey & Whitney, LLP



Dorsey is a business law firm, applying a business perspective to clients' needs. They make it their first priority to know the context in which you do business—your market, your competitors, and your industry. In this excellent briefing, experts from the firm address the various elements of GINA and provide a number of important solutions for employers.

WELCOA Recommends Rating: ★★★★★

Weblink: http://www.dorsey.com/gina_health_ben_comp_eupdate_goodman_kinney_nov09/

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“Remember, health promotion programs are something we do with and for people not something we do to them.”