

(EVP) Does it serve & add value?

- Prioritize engagement strategy
- Mucho communications pre & post
- Employee self-monitoring & feedback
- Create opportunity for change through the environment or policy

The background is a solid orange color. In the center, there is a large, faint, light-colored graphic. It consists of a pair of scales of justice on the left and right, with a caduceus symbol (a staff with two snakes and wings) in the middle. A white rectangular box with a black border is superimposed over the center of the graphic.

REASONABLY DESIGNED

CASE SCENARIO #1

- ABC Health Company's wellness program consists of an online HA. ABC's HR department sees the results and sends those results to ABC's health insurer. Employees do not see results.
 - Permissible?

ADA RULES

- Reasonably designed to promote health/prevent disease
 - Must provide follow-up after collecting medical information
 - Should not be about collecting information only
 - Different from HIPAA/ACA
 - Only health contingent need to be “reasonably designed”





Insurance companies have access to medical claims and health care utilization rates.

Will this situation add more than it will take away?

Medical Self-Care

- Connect the dots from HA to medical consumer
- Use "If than" health communications for action
- Provide a learning lab directed at consumer tools on the medical insurance provider website
- Create opportunities for people to share success and resources
- AHA's Check.Change.Control



WELCOA

Medical Self-Care Resource

CASE SCENARIO #2

- ABC Company has 3000 employees. It offers a biggest loser competition with teams. All teams weigh-in and weigh-out into a prize drawing, regardless if they lose weight. This approach has not gone over well with employees. They feel unmotivated because they won't receive a prize for losing weight. Because of the large employee population, offering a "reasonable alternative" is not appealing. Can ABC offer a \$50 incentive to each team member on the team that loses the most weight? Must ABC provide an additional program to allow all other employees to earn \$50? Assume the wellness program is part of a group health plan.

HIPAA/ACA

- Two types of health-contingent programs:
 - Activity
 - May seek verification from physician that health factor makes it unreasonably difficult or medically inadvisable to satisfy activity.
 - Outcomes-based
 - May not seek verification
- ***Both must meet 5 factor test.***

HIPAA/ACA

- **Five factors:**

1. Qualify for the reward at least once/year.
2. Total reward may not exceed 30% (50% for tobacco prevention programs) of total cost of coverage.
3. Reasonable design to promote health or prevent disease.

HIPAA/ACA

- **Five factors (cont.)**

4. Full reward must be available to all similarly situated individuals.
 - Must provide reasonable alternative standard (or waiver of standard)
5. Disclosure of reasonable alternative standard (or waiver) in plan materials describing the wellness program terms.
 - SPD
 - Communications disclosing individual did not meet initial outcomes-based standard

CASE SCENARIO #3

- Same facts as case scenario #2, but the wellness program is not part of a group health plan.

ADA

- Prohibits discrimination by employers on basis of disability in regard to terms, conditions and privileges of employment.
 - Discrimination includes:
 - Requiring **medical examinations**; and
 - Making inquiries as to whether employee has disability unless such exam or inquiry is:
 - Job-related and consistent with business necessity
 - Must provide **equal opportunity** for disabled employees to participate in programs and offer reasonable accommodations.



This is not an evidence-based wellness intervention.

Maintain Don't Gain Challenge

- Challenge is reasonably designed and population friendly
- High level of influence with employer support
- Easy to "set and forget" during holiday season
- Can creatively apply stress, tobacco, weight and debt.

(EVP) How does it serve & add value?

- Communicate awareness
- Create meaning-motivation
- Build skills
- Influence opportunities for change

NOTICE

CASE SCENARIO #1

- Terry, employee of ABC Company agrees to provide health status information to earn an incentive through the employer wellness program. Terry logs onto an online portal sponsored by a wellness vendor to provide the information. The portal contains the following privacy statement:
 - We will not share your PHI with any third party, including your employer. We have strict security controls in place to ensure that the information you provide is kept private and secure.
 - Is this privacy statement sufficient under the ADA or GINA?

ADA RULES

- Programs that collect medical information must provide employees with notice.



ADA RULES

- Notice requirement applies even in absence of incentives
- Notice must contain following:
 - Be understandable
 - Describe type of medical information obtained
 - Describe specific purposes for which information will be used
 - Who will receive information
 - Restrictions on disclosure of medical information
 - Methods employer will use to prevent improper disclosure (**including whether the program complies with HIPAA privacy and security rules**).