



**PAI**

**PRIVACY ASSOCIATES INTERNATIONAL LLC**

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**Privacy considerations in employer  
provided or sponsored Wellness  
and similar programs**

*IAPP KnowledgeNet Detroit*

*June 4, 2013*

# Agenda

- Intros, announcements and administration
- Discuss privacy aspects of employer wellness and similar programs through an interactive session.
- Time permitting open discussion:
  - Privacy training
  - Privacy Program Structure
- Next meeting

# Purpose

- Provide a forum to discuss privacy aspects of employer wellness and similar programs
- Discuss factors to consider when dealing with these plans
- Engage in an interactive session to highlight concerns and possible solutions from the session learning.

# Background

- Employers have turned to wellness programs as an effective way to reduce health care costs and promote healthy lifestyles among employees.
- Wellness programs are broadly defined as programs designed to encourage healthy lifestyles
- Can be something as simple as an informational meeting about healthy nutrition options, or as complex as offering on-site medical care for employees.

# Why Wellness Programs?

## Employers:

- Know that a healthy and strong workforce is more productive
- Want access to the aggregate reports which outline the health of their population
- Use aggregate health information to address the needs of their specific population

# Two General Types of Programs

- Participation-only Programs
- Standard-Based Wellness Programs

# Participation-only Programs

- A participation-only wellness program does not condition the reward on individuals satisfying a health-related standard
- Reward is based solely on the individual's participation in the program.
- Program must be available to all similarly situated individuals.

# Standard-Based Wellness Programs

“Standard-based” if any of the conditions for obtaining a reward under the program is based on an individual satisfying a health-related standard. The program requires:

- Limitations on the reward
- The Program must be reasonably designed to promote good health or prevent disease
- Annual opportunity to qualify
- Available to all similarly situated individuals
- Full disclosure of the program



# Potentially Applicable Law

- HIPAA non-discrimination and wellness program rules
- HIPAA privacy and security
- ERISA
- COBRA and USERRA
- GINA
- ADA
- Cafeteria plan rules
- HSA eligibility rules

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# Players

- Health Risk Assessment companies
- Data warehousing companies
- Health benefits consultants
- Reward/incentive vendors
- Industry consortiums and regional employer groups
- Mobile laboratories

# Exercise

- ACME Industry
- PLANS-R-Us
- ISP