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Docket: IRS-2008-0103
Request for Information Regarding Sections 101 Through 104 of the Genetic Information Nondiscrimination Act of 2008

Comment On: IRS-2008-0103-0017
Interim Final Rules Prohibiting Discrimination Based on Genetic Information in Health Insurance Coverage and Group Health Plans

Document: IRS-2008-0103-0025
Comment on FR Doc # E9-22504

Submitter Information

Name: Michael Wood
Address:
Watson Wyatt & Co.
600 University St
Seattle, WA, 98101-1176
Email: michael.wood@watsonwyatt.com
Organization: Watson Wyatt & Co.

General Comment

RE: RIN 1210-AB27

Attachments

IRS-2008-0103-0025.1: Comment on FR Doc # E9-22504

Watson Wyatt
Worldwide

November 23, 2009

Office of Health Plan Standards and Compliance Assistance
Employee Benefits Security Administration, Room N-5653
United States Department of Labor
200 Constitution Avenue, NW
Washington D.C. 20210

Attention: Regulatory Information Number 1210-AB27

I am writing to respectfully request that the interim final rules for GINA (the Genetic Information Nondiscrimination Act) be rescinded.

I am a health & productivity consultant who specializes in providing strategic and tactical advice to large employers on employee health risk reduction, early detection and chronic condition management. These rules will have very detrimental effects with employer health education programs:

- Family medical history is vital for health assessments (health risk assessments)
- Incentives for completion of assessments are vital to drive participation
- The regulations run counter to the ability for plans to control costs and improve quality

I understand and support the intent of the Act and Rules to prohibit discrimination on the basis of genetic and family history information. However, there is a serious and potentially life-threatening unintended consequence to prohibiting this information from being collected and used for educational purposes only: The health risk assessments will OMIT any information about the importance of a genetically at-risk participant needing to consult their health care provider about appropriate, more frequent screenings and health care because of their family history. Without this information and advice, genetically at-risk participants will not be alerted and may think, mistakenly, that they only need to follow general guidelines when in fact they need special treatment.

Watson Wyatt & Company

Suite 3100 \ 600 University Street \ Seattle, WA 98101-1176 \ 206 625 1125 *Telephone* \ 206 447 8867 *Fax*

I support GINA not allowing discrimination, but disallowing the use of this information for educational purposes is counter-productive and potentially harmful.

Thank you for your consideration.

Sincerely,

Michael W. Wood, M.S., M.P.H.
Senior Consultant,
Health & Productivity Management
Watson Wyatt Worldwide

CC: The Honorable Timothy Geithner, Secretary, U.S. Department of Treasury

The Honorable Kathleen Sebelius, Secretary, U.S. Department of Health and Human Services

The Honorable Hilda Solis, Secretary, U.S. Department of Labor

Stuart J. Ishimaru, Acting Chairman, U.S. Equal Employment Opportunity Commission

Robert Kocher, MD, Special Assistant to the President, National Economic Council, The White House

Ezekiel Emanuel, MD, Special Advisor for Health Policy, Office of the Director, Office of Management and Budget