November 30, 2009

THE HARTFORD

Submitted through the Federal eRulemaking Portal http://www.regulations.gov.

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Vice President, Employee Benefits

Office of Health Plan Standards
and Compliance Assistance
Employee Benefits Security Administration
U.S. Department of Labor
Washington, DC 20210

Attention: RIN 1210–AB27

Ladies and Gentlemen:

We are writing regarding the interim final rules implementing sections 101 through 103 of the Genetic Information Nondiscrimination Act of 2008 ("GINA"). The request was published by the Departments of Labor, Health and Human Services, and the Treasury in the *Federal Register* on October 7, 2009.

Our wellness programs: Wellness, prevention, and disease management programs address potential health problems of our employees, often before they develop into more costly and deadly chronic disease. These programs are among the limited available avenues open to us to encourage and guide healthy behavior, and, to help us control healthcare costs while improving our employees' quality of life.

Health Risk Assessments (HRA), including questions designed to gather family medical history, are a critical component of our wellness programs. We have found that employees participate in these beneficial HRAs or other wellness or disease management programs to a greater extent when financial incentives are offered.

Impact of the regulation: The interim final regulation under Title I of GINA would undermine our wellness programs by precluding our ability to provide a financial incentive to individuals who complete an HRA that requests family medical history. If this regulation is allowed to be implemented, we fear that completion rates of HRAs will suffer significantly, and participation in wellness programs will plummet. The regulation will also hamstring our ability to guide employees into disease management programs based on information provided in an HRA.

We appreciate this opportunity to provide comments and would be happy to further discuss our concerns with you.

Sincerely,

Lynn Farrell

Cc:
Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services

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