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November 29, 2009

Timothy Geithner
Secretary
US Department of Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Room 639G
Washington, DC 20201

Hilda Solis
Secretary
U.S. Department of Labor
200 Constitution Ave NW
Washington, DC 20210

Re: REG-123829-08, CMS-4137-IFC, RIN 1210-AB27-Interim Final Rules Prohibiting Discrimination Based on Genetic Information in Health Insurance Coverage and Group Health Plans (Vol. 74, No 193) (October 7, 2009)

Dear Secretaries Geithner, Sebelius, and Solis:

Physicians Plus Insurance Corporation of Madison, Wisconsin, is a managed care organization focused on providing high-quality; innovative products and services that help improve the health of the community. Founded in 1986 and owned by Meriter Health Services and local physicians, we provide health insurance to approximately 110,000 members in south central Wisconsin. We fully support the goal of the Genetic Information Nondiscrimination Act (GINA) to prevent improper use of genetic information in hiring practices and in the provision and pricing of health insurance. However, elements of the October 7, 2008, interim final rule will create significant barriers for health plans in using health risk assessments to identify at-risk members who would benefit from participation in wellness and chronic illness management programs.

We encourage the departments of Health and Human Services, Labor and Treasury to delay the implementation and enforcement of the interim final rule and evaluate, through an interagency panel, the rules potential impact on workplace health promotion programs that so many of our members are part of.

From a health improvement prospective, eliminating family medical history questions from an HRA linked to incentives diminishes the effectiveness of participation in completing a health risk assessment. If members don't participate in the HRA they are losing the opportunity to learn about their health risks and could lose out on the benefit of wellness and disease management services. Without these programs we could see a higher prevalence of chronic conditions which can impact the health plan as well as the employer health care and productivity costs.

Our wellness message at Physicians Plus promotes the HRA as a key component in our comprehensive health and wellness program strategy. Our employer groups view the HRA as a first step to behavior change, promoting completion by employees and dependents, and offering additional incentives for participation.

Employee wellness has made huge strides in the past few years. It would be unfortunate to see the health and productivity of our nation's workforce face such barriers to learning about their health imposed by GINA. This may result in employers reducing their efforts in wellness and harming the progress they have made to date in regards to wellness and improving the health of their employees.

Overall, we feel that GINA will limit our ability to positively impact the health and well being of our members.

Please contact Marcia Hladilek at 608-260-7115 if you have any questions or would like to discuss Physicians Plus' concerns in more detail.

Respectfully,

Michael A. Mohoney

Mike Mohoney
President & CEO

Marcia K. Hladilek

Marcia Hladilek
Director of Health Improvement