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The Honorable Timothy Geithner
Secretary
U.S. Department of Treasury
1500 Pennsylvania Avenue NW
Washington, DC 20220

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

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

November 16, 2009

Dear Secretaries Geithner, Sebelius, and Solis:

Health Dialog considers patient privacy and security of protected health information a very serious matter. As such, we support the intent of the *Genetic Information Nondiscrimination Act of 2008* to prohibit discrimination in health coverage and employment based on genetic information. However, recently released interim final regulations reach beyond the original intent of the legislation and threaten to negatively affect employer-sponsored wellness programs.

As a wellness program provider, Health Dialog engages with employers and their employees to help healthy people stay healthy, to prevent individuals with low or moderate risk of developing chronic diseases from increasing their risk, and to help people with existing conditions optimize their health and functional capacity. We use analytic tools including Health Risk Assessments (HRAs) to identify individuals that would most benefit from programs such as tobacco cessation, weight management, cardiometabolic risk management, or preventive screenings.

In order to control costs and prevent future disease, wellness programs must reach and engage individuals who are at risk as well as those with existing health issues. The recently released regulations stand to inhibit the identification of at-risk individuals by disallowing the collection of family medical history on an HRA that is linked to a financial incentive. Prohibiting the use family medical history limits the effectiveness of an HRA and the ability to engage individuals in tailored wellness and prevention

programs. Further, by restricting the use of financial incentives for the completion of a comprehensive HRA, the regulation will have the negative consequence of driving down participation rates in employer-sponsored wellness programs.

These regulations conflict with the Administration's commitment to promoting wellness and engaging people in their health. To that end, we ask that you put a moratorium in place while these issues and our concerns are fully explored.

Thank you for hearing our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Hampton", with a stylized flourish at the end.

Mark Hampton, Chief Financial Officer and Acting CEO

Cc: 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