

November 11, 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: RIN 1210-AB27

As an employer, with a successful employee health improvement program, I'm writing to express my concerns with the final rules implementing Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA). If the rules are implemented, they will have a serious adverse impact on our company's health improvement program.

Our health improvement program was implemented in 2005 as part of our company's health care strategy that focused on plan design, health improvement and education and communication. Since implementing the program overall health risks of participants has decreased 12 percent. The program has also contributed to the success of the company's health care strategy. Over the last four years medical cost trend has steadily decreased and we have been able to keep health care affordable for our employees.

A key component of the program is a confidential and voluntary health assessment which is offered to our employees, retirees and spouses on an annual basis. The questionnaire assesses participants' health risks and provides personalized information, resources and tools to help them improve or maintain their health. The family medical history is vital for health assessments. It helps provide a more complete picture of participants' risks and match participants up with appropriate programs and resources.

Individuals, who choose to participate in the health assessment, receive a reduction in their monthly health care premium. They are able to reduce their monthly premiums further by participating in voluntary and confidential follow-up programs. This type of incentive design helps make the connection between personal health and health care costs and rewards individuals for taking steps to improve and maintain their health. The incentive has contributed to high participation rates in both the health assessment and follow-up programs.

The proposed regulations will make it more challenging for our organization to engage our employees and their families and get them into appropriate follow-up programs. As our country continues to look for ways to improve the health of Americans and better control health care costs, I feel that this is a huge step backward. Please consider overturning the interim final rules for the Genetic Information Nondiscrimination Act.

Sincerely,



Sharon Wieker  
Health Improvement Program Manager  
Andersen Corporation

