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LEGAL PROCESSING DIVISION  
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**Docket:** IRS-2008-0103Request for Information Regarding Sections 101 Through 104 of the Genetic Information  
Nondiscrimination Act of 2008**Comment On:** IRS-2008-0103-0017Interim Final Rules Prohibiting Discrimination Based on Genetic Information in Health Insurance  
Coverage and Group Health Plans**Document:** IRS-2008-0103-0049

Comment on FR Doc # E9-22504

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**Submitter Information**

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**General Comment**

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GINA Interim Final Rule Comments

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**Attachments**

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**IRS-2008-0103-0049.1:** Comment on FR Doc # E9-22504

*From the Desk of Janet Huynh*

Timothy Geithner  
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U.S. Department of Treasury  
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Stuart J. Ishimaru  
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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

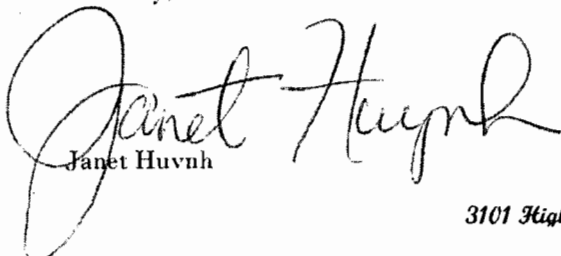
To Whom It May Concern:

The improper use of genetic information in hiring practices and in the provision and pricing of health insurance is a very real concern. The Genetic Information Nondiscrimination Act (GINA) attempts to combat this issue. Unfortunately, the Oct. 7, 2009, GINA interim final rule will may hinder the progress we are making on protecting patients rights and advancing individuals' access to medical knowledge and information that could help protect themselves by promoting a healthy lifestyle and informing them of any medical risks they may face in the future.

The Oct. 7, 2009, joint interim final rule from the three departments bars health plans, employers and others from collecting family medical history for "underwriting purposes." GINA guidelines will exclude family medical history from Health Risk Assessment programs. However, this stipulation is directly in conflict with the overall goal of any HRA. In order to accurately assess a patient's current and potential health risks, information is vital. Excluding any personal information, such as family medical history drastically reduces the effectiveness of the HRA.

HRAs are an important factor in helping individuals learn about, and maintain a healthy lifestyle. The exclusion of personal information will only hinder the overall goal of advancing individuals' health and well being. The departments of Health and Human Services, Labor and the Treasury must delay implementation and enforcement of the interim final rule and evaluate, through an interagency panel, the rule's potential impact on workplace health promotion programs.

Sincerely,

  
Janet Huynh

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