

December 11, 2009

Submitted through the Federal eRulemaking Portal

Office of Health Plan Standards
and Compliance Assistance
Employee Benefits Security Administration
Room N-5653
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Attention: RIN 1210-AB27

Ladies and Gentlemen:

We urgently submit this response to the request for comments on 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 (collectively, the "Departments") in the *Federal Register* on October 7, 2009.

The interim final rules implement provisions of GINA that prohibit group health plans from discriminating on the basis of genetic information. GINA provides that a group health plan may not (1) increase premiums or contributions for a group based on the genetic information of individuals in the group, (2) request or require an individual or family member to undergo a genetic test, or (3) request, require, or purchase genetic information prior to or in connection with enrollment or for underwriting purposes.

Our wellness programs: The Health Alliance is a hospital system in the Cincinnati, OH area with approximately 7,800 associates. We offer Health Risk Appraisals (HRA's) and Health Promotion Programs on a strictly voluntary basis to our associates and family members to make them aware of their current states of health and wellness. It confidentially informs them of strategies and resources available to them to optimize their health. HRA's are offered free of charge. Small financial incentives serve as the additional motivation to complete a long, detailed HRA and to participate in a program of healthy living.

Health Risk Appraisals allow us to identify present and potential aggregate health concerns and offer programs and promotions that will have the most effect. Health information is submitted anonymously, or the individual may choose to identify himself

or herself if personal follow up is requested. Workforce and family members have enthusiastically received our Health Promotion efforts. All individual information collected remains confidential, and is never shared with Human Resources or administration, as required by the Health Insurance Portability and Accountability Act.

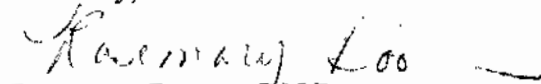
Impact of the regulation: The interim final regulation under Title I of GINA would seriously hamper our efforts to identify prevalent health concerns of our work force and cripple our efforts to offer affordable health promotion programs that allow us to improve the health status of our workforce. If this regulation is allowed to be implemented, 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.

In conclusion: A recently released consensus report at the Healthy Aging for Workers conference organized by the Association of Occupational and Environmental Clinics (AOEC) indicates there is a growing population of older workers who are staying in the workforce because of the recent financial downfall. This report affirmed the 2004 National Academy of Science committee report that encouraged incentives for workplace wellness programs. As this report dictates, Health Alliance hospitals are committed to investing in the safety, health and wellness of its workforce to improve personal and work lives. Wellness, prevention, and disease management programs allow the Health Alliance to enhance the quality of our associates' lives and to control our soaring healthcare costs. As stated previously, many Health Alliance associates have enthusiastically and gratefully participated in our wellness programs, and without a doubt programs have changed the direction of some of our associates' lives. In such tight economic times as now, we need to justify the necessity of every dollar spent and that will be impossible to do if we don't have baseline and outcome data indicating to us where we need to invest our limited funds to maximize impact and results

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

Sincerely,



Rosemary Bootes, C.N.P.

Nurse Practitioner

Alliance Employee Health

3200 Burnet Avenue



3200 Burnet Avenue
Cincinnati, OH 45229
513-585-6000

Cincinnati, OH 45229
(513) 585-6600
(513) 585-6524 FAX
rosemary.bootes@healthall.com