

Publications

Agencies Issue New HIPAA Proposed Rule on Wellness Programs

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SERVICES

On November 26, 2012, the Departments of Treasury, Labor, and Health and Human Services published a new proposed rule that would change the HIPAA wellness program regulations. 77 Fed. Reg. 70620. Comments are due January 25, 2013.

At first glance, it may appear that the proposed rule is very similar to the existing wellness rule. However, there are a number of changes that could have significant impacts on how wellness programs are designed and administered, including:

- New limits on incentives;
- Restrictions around physician verification;
- Expansion of the reasonable alternative requirement;
- New guidelines for what is a “reasonable” program; and
- Updated language for wellness program communications.

Employers, insurers, and service providers that offer or work with wellness programs should consider whether to comment on the proposed rule and should watch for a final rule and any future guidance in 2013, in order to be ready for compliance in 2014.

The attached memo discusses these new proposed rules.

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