

## Response to “Workplace Wellness Programs: Educating Patients and Families About Discrimination Via Disclosure of Genetic Information”

An article by Steck (2018), published in the August issue of the *Clinical Journal of Oncology Nursing*, stated that workplace wellness programs are legally permitted to request the family medical history of employees. However, since publication, the previously cited regulations have been redacted, and the relevant information needs updated.

Effective January 1, 2017, the U.S. Equal Employment Opportunity Commission (EEOC) implemented regulations that allowed employer-sponsored wellness programs to offer additional financial benefits to employees, and their spouses, if the employee or their spouse disclosed a current or previous genetic disease or disorder. These regulations also benefited employees willing to disclose any personal health information related to themselves or their spouses. In 2017, the AARP filed a suit in the U.S. District Court of the District of Columbia in response to the regulations. The AARP contended that employees who could not afford to pay the full share of their health insurance costs without addi-

tional financial incentives, such as participating in workplace wellness programs, were effectively being coerced to provide private health information to qualify for their entire employer-sponsored benefits (O’Connell, 2018).

The court ruled that the regulations were invalid, returning the regulations to the EEOC for further revision. The revised guidelines are due by 2021. In addition, the court ruled that, effective January 1, 2019, health-contingent workplace wellness programs can no longer offer financial incentives that encourage employees to disclose their, and their spouses’, private health information. This update adds valuable insight into the potential for discrimination with the disclosure of genetic information.

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No financial relationships to disclose.

### REFERENCES

- O’Connell, J.E. (2018, January 16). EEOC wellness regulations vacated effective January 1, 2019. *Society for Human Resource Management*. Retrieved from <https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/court-report-eeoc-wellness-regulations-vacated.aspx>
- Steck, M.B. (2018). Workplace wellness programs: Educating patients and families about discrimination via disclosure of genetic information. *Clinical Journal of Oncology Nursing*, 22, 496–499. <https://doi.org/10.1188/18.CJON.496-499>.

### KEYWORDS

genetics; genetic discrimination; regulations; financial toxicity; workplace wellness programs

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