



March 27, 2014

The Honorable Lamar Alexander
Chairman
Senate Health, Education, Labor, and Pensions (HELP) Committee
428 Dirksen Senate Office Building
Washington, DC 20510-6300

Dear Senator Alexander:

Thank you for your attention to the issue of workplace wellness programs. On behalf of the members of the Healthcare Leadership Council (HLC), I would like to thank you for introducing S. 620, the "Preserving Employee Wellness Programs Act."

HLC is a not-for-profit membership organization comprised of chief executives of the nation's leading healthcare companies and organizations. HLC's membership is at the forefront of designing and implementing meaningful wellness programs to better the lives of their employees, communities, and patients. Based on decades of experience in implementing evidence-based wellness programs, we strongly believe appropriately designed wellness programs contribute to promoting health and preventing disease.

Evidence-based workplace wellness programs and interventions have proven to reduce costs for consumers and employers by improving health for employees at all health risk stages. Employer programs promote personal health awareness and provide access to tools, resources, and incentives to empower crucial behavior change to reduce, delay, or eliminate the impact of chronic disease. Examples of such programs – and the metrics demonstrating health and cost outcomes for employees and employers – are catalogued in HLC's signature compendium, *The Future is Here* (www.hlc.org/compendium).

The Preserving Employee Wellness Programs Act will provide employers with more certainty that evidenced-based employee wellness programs designed to meet existing regulatory guidelines will not face unnecessary litigation from the Equal Employment Opportunity Commission (EEOC). Passage of this bill will protect crucial tools for employer wellness programs, biometric screenings, health risk assessments, and premium incentives, which help employees receive interventions best suited to their health needs and goals.

Members of HLC strongly support the bipartisan Affordable Care Act (ACA) provision that increased the ability of employers to vary premiums based on participation in an employee wellness program from 20 to 30 percent (and 50 percent for tobacco cessation-related programs). We were encouraged by Administration regulations

allowing such variation while still preserving reasonable alternatives for those who are unable to participate. However, recent EEOC lawsuits have defied Congressional and Administrative intent and caused havoc among employers who would like to offer employees valuable wellness benefits but would rather not risk an uncertain legal climate. Clarification is needed to ensure employees can continue accessing wellness benefits that already meet existing, stringent regulatory standards. Inaction will produce a chilling effect on these important health promotion programs.

We are pleased that Congress is considering action to re-assert its intent to allow incentives in workplace wellness programs related to tools such as biometric screenings and health risk assessments, and stand ready to assist your office in its work on this issue. Our membership has long been active in promoting the benefits of employee wellness programs (such as through our Innovation Compendium briefing series) and we have recently joined with other key stakeholders to create dialogue among Capitol Hill staff and stakeholders about the value of employee wellness programs and incentives. We look forward to future, additional activities to highlight the health rewards of employee wellness programs.

Thank you again for your leadership advancing policies designed to improve the health of Americans. We look forward to working with you to support this legislation. If you have any questions, please do not hesitate to contact Teresa de Vries at tdevries@hlc.org or 202-449-3436.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary R. Grealy".

Mary R. Grealy
President