Kilpatrick

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Updated Wellness Clarifications

The new FAQs issued yesterday include a number of helpful clarifications with respect to wellness programs.

FAQ 8 provides that if a participant is provided an opportunity to enroll in a tobacco cessation program at the beginning of the year (or before the beginning of the year for the next year) and to qualify for the reward for that year, and the participant fails to so qualify at that time, then the plan is not required to provide a mid-year opportunity to enroll and qualify for the reward. Under the terms of the final wellness regulations, offering the reward only needs to be done once per year, even for those who fail to obtain the reward. However, enrollment during the year, with a pro-rated reward, is permitted.

FAQ 9 provides that if a participant's personal physician suggests a wellness program that is medically appropriate, but is not specific as to the type of program, then the plan and participant can agree from among the reasonable alternatives that satisfy the personal physician's recommendation.

FAQ 10 provides that a plan is not required to use the sample language set forth in the regulations in describing the wellness program. A plan is free to use any description that otherwise satisfies the general notice requirement in the final wellness regulations.

http://www.dol.gov/ebsa/pdf/faq-aca18.pdf