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DOL Wellness FAQs

The DOL has issued two new FAQs regarding wellness benefits that reflect the EEOC proposed rules. The first question addresses what it means for a health contingent program to be "reasonably designed" to promote health or prevent disease. Programs that collect sensitive health information without providing assistance to modify behavior (such as stopping smoking, managing diabetes, losing weight) may fail to meet the requirement of improving health or preventing disease and may be scrutinized and subject to enforcement action by the DOL. The second question emphasizes that compliance with the DOL's wellness program regulations does not confirm compliance with other federal laws, including the ADA, ERISA, the Code, and that it does not affect the tax treatment of any rewards under the program. Perhaps because of the additional proposed disclosure requirements in the EEOC's proposed rule, this FAQ also makes clear that wellness programs may have to comply with other disclosure laws. The FAQs are available here.