



## **Does Your Wellness Program Need to Be Bona fide?**

Employee wellness incentive programs are a key benchmark for the success of a wellness program. Some organizations are taking their employee wellness incentive programs to the next level. This involves tying the employee wellness incentive programs to actual results. Tying incentives to results must be done with caution. The structure of incentive programs tied to specific outcomes must not violate HIPAA non-discrimination laws. Be certain that that your employee wellness incentive programs comply with the HIPAA laws for a "bona fide" wellness program detailed in the previous section.

Examples of tying rewards to outcomes include:

- If the results of a Health Risk Assessment screening find that an individual is at high risk, the company can make it mandatory for the individual to participate in a follow-up program or pay a financial penalty.
- Many health risk assessments give points. The incentive can be tied to an individual achieving a certain number of points to receive a monetary reward.

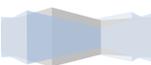
### **Never forget one of the key HIPAA regulations**

If a member is unable to achieve one of the required program measures, the employee wellness program must have a reasonable alternative. One particular health promotion provider meets this requirement by getting the worker's physician to sign a letter verifying the worker has complied with all the physician's treatment recommendations. The letter would be prepared by the employee wellness program and customized to the employee.

### **How should employee wellness incentive programs be established?**

Even health promotion companies have different answers to this question. One method is that initially employers should make available rewards and incentives for individuals to participate in the employee wellness programs. In the following year, the company can become over time, more assertive and tie rewards and incentives to outcomes.

Another school of thought regarding employee wellness incentive programs, however is to make available participation incentives only. These businesses are convinced that the catalyst to change must come from inside the person. For a person to make difficult behavior and lifestyle changes, such as quitting tobacco,



the person must have the desire to quit. A penalty for failing to change the lifestyle will not work. The method your company takes with employee wellness incentive programs should be in line with your company's culture.

If your employee ties rewards to results, your employee wellness programs must conform not only with HIPAA non-discrimination regulations, but also to any state laws inhibiting discrimination based on lifestyle choices. If you are unsure whether or not your program qualifies as a bona fide employee wellness program, you should consider consulting with your corporate attorney.

Can you get the results you need from a program that is not “bona fide”. Absolutely, but you will have to get creative on the types of incentives you want to provide that will encourage the behavior change you desire and the results you need.

**For more information on employee wellness programs, contact Sharon Rateike, corporate wellness program coordinator at (920) 568-5475 or [Sharon.Rateike@forthc.com](mailto:Sharon.Rateike@forthc.com).**

