

Wellness Compliance Checklist For Fully-Insured and Self-Insured Plans

Types of Wellness Programs:	Participation	Participation: Disability-Related	Activity	Outcome
Do you offer any of the following types of wellness programs? Check All that Apply				
Examples of Wellness Programs	<input type="checkbox"/> Lunch and Learn <input type="checkbox"/> Health or Stress Coaching Education <input type="checkbox"/> Disease Management Education <input type="checkbox"/> Flu Shot & Vaccinations <input type="checkbox"/> On-Site Fitness Center <input type="checkbox"/> Healthy Meal Options	<input type="checkbox"/> Health Risk Assessment <input type="checkbox"/> Biometric Screening <input type="checkbox"/> Annual Physical/Exam <input type="checkbox"/> Health Screenings (Health Fair; Cancer; Mammogram) <input type="checkbox"/> Tobacco Cessation Program	<input type="checkbox"/> Physical Activity Program (Walk/Run) <input type="checkbox"/> Fitness Program <input type="checkbox"/> Weight Management Program	<input type="checkbox"/> Result-Driven Health Risk Assessment <input type="checkbox"/> Result-Driven Biometric Screening <input type="checkbox"/> Surcharge: Non-Tobacco User Status <input type="checkbox"/> Weight Loss Competition <input type="checkbox"/> Result-Driven Physical Activity
Are employees, spouses, or dependent children <i>required</i> to participate in the wellness program? YES ___ NO ___				
Voluntariness	Program Must Be Voluntary <input type="checkbox"/> Does not require participation <input type="checkbox"/> Does not deny access to health plan(s) for non-participating employee <input type="checkbox"/> Does not take adverse action against non-participating employee: retaliate, interfere, coerce, intimidate, threaten	Program Must Be Voluntary <input type="checkbox"/> Does not require participation <input type="checkbox"/> Does not deny access to health plan(s) for non-participating employee <input type="checkbox"/> Does not take adverse action against non-participating employee: retaliate, interfere, coerce, intimidate, threaten	Program Must Be Voluntary <input type="checkbox"/> Does not require participation <input type="checkbox"/> Does not deny access to health plan(s) for non-participating employee <input type="checkbox"/> Does not take adverse action against non-participating employee: retaliate, interfere, coerce, intimidate, threaten	Program Must Be Voluntary <input type="checkbox"/> Does not require participation <input type="checkbox"/> Does not deny access to health plan(s) for non-participating employee <input type="checkbox"/> Does not take adverse action against non-participating employee: retaliate, interfere, coerce, intimidate, threaten
Does your wellness program comply with the employee incentive/penalty limits under HIPAA, the ACA, the ADA, and GINA? YES ___ NO ___				
Limit on Reward/Penalty	General (HIPAA/ACA): Unlimited Reward/Penalty	General (HIPAA/ACA): <input type="checkbox"/> 30% of TOTAL Cost of Coverage Disability-Related (ADA): <input type="checkbox"/> VACATED 1/1/19 – Pending New Rule Issuance June 2019 EE & ER Cost x 0.30 = Max. Incentive \$_____ x 0.30 = _____	General (HIPAA/ACA): <input type="checkbox"/> 30% of TOTAL Cost of Coverage Disability-Related (ADA): <input type="checkbox"/> VACATED 1/1/19 – Pending New Rule Issuance June 2019 EE & ER Cost x 0.30 = Max. Incentive \$_____ x 0.30 = _____	General (HIPAA/ACA): <input type="checkbox"/> 30%* of TOTAL Cost of Coverage Disability-Related (ADA): <input type="checkbox"/> VACATED 1/1/19 – Pending New Rule Issuance June 2019 EE & ER Cost x 0.30 = Max. Incentive \$_____ x 0.30 = _____ \$_____ x 0.50 = _____ <small>*50% Tobacco Affidavit; 30% Tobacco Testing</small>
*To ensure compliance with HIPAA, ACA, ADA, and GINA, apply lowest incentive limit.				

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Are spouses allowed to participate in the wellness program to receive incentives? YES ___ NO ___				
Limit on Reward/Penalty	General (HIPAA/ACA): Unlimited Reward/Penalty	Spouse (GINA): <input type="checkbox"/> VACATED 1/1/19 – Pending New Rule Issuance June 2019 EE & ER Cost x 0.30 = Max. Incentive \$ _____ x 0.30 = _____	Spouse (GINA): <input type="checkbox"/> VACATED 1/1/19 – Pending New Rule Issuance June 2019 EE & ER Cost x 0.30 = Max. Incentive \$ _____ x 0.30 = _____	Spouse (GINA): <input type="checkbox"/> VACATED 1/1/19 – Pending New Rule Issuance June 2019 EE & ER Cost x 0.30 = Max. Incentive \$ _____ x 0.30 = _____ \$ _____ x 0.50 = _____ <small>*50% Tobacco Affidavit; 30% Tobacco Testing</small>
Are dependent children allowed to participate in the wellness program to receive incentives? YES ___ NO ___				
Offer Reward/Penalty	General (HIPAA/ACA): Unlimited Reward/Penalty	Dependent Child/Adult (GINA): VACATED 1/1/19 – Pending New Rule Issuance June 2019 EE & ER Cost x 0.00 = Max. Incentive \$ _____ x 0.00 = \$0.00	Dependent Child/Adult (GINA): VACATED 1/1/19 – Pending New Rule Issuance June 2019 EE & ER Cost x 0.00 = Max. Incentive \$ _____ x 0.00 = \$0.00	Dependent Child/Adult (GINA): VACATED 1/1/19 – Pending New Rule Issuance June 2019 EE & ER Cost x 0.30 = Max. Incentive \$ _____ x 0.00 = \$0.00
Did you take account for rewards other than premium differentials in calculating your incentive limit? YES ___ NO ___				
Alternative Rewards to Include Excludes de minimis items: "trinkets" such as t-shirts, cups/bottles, stress balls, pens etc.	General (HIPAA/ACA): Unlimited Reward/Penalty	<input type="checkbox"/> HSA/HRA/FSA Contribution <input type="checkbox"/> Cash (never de minimis) <input type="checkbox"/> Gift Cards (never de minimis) <input type="checkbox"/> Wearables/Fitness Trackers <input type="checkbox"/> Vacation/Trips <input type="checkbox"/> Non-De Minimis Raffles	<input type="checkbox"/> HSA/HRA/FSA Contribution <input type="checkbox"/> Cash (never de minimis) <input type="checkbox"/> Gift Cards (never de minimis) <input type="checkbox"/> Wearables/Fitness Trackers <input type="checkbox"/> Vacation/Trips <input type="checkbox"/> Non-De Minimis Raffles	<input type="checkbox"/> HSA/HRA/FSA Contribution <input type="checkbox"/> Cash (never de minimis) <input type="checkbox"/> Gift Cards (never de minimis) <input type="checkbox"/> Wearables/Fitness Trackers <input type="checkbox"/> Vacation/Trips <input type="checkbox"/> Non-De Minimis Raffles
How often do you offer participants an opportunity to earn the reward? Every _____				
Must Offer Opportunity to Earn Reward	No Restrictions	No Restrictions	At Least Once Per Year	At Least Once Per Year

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Do you offer a reasonable alternative standard (RAS) to participants that are unable to satisfy the original requirements of the wellness program? YES ___ NO ___				
Reasonable Alternative Standard Required	No	No	Yes Participant must earn reward for same plan year RAS satisfied If participant satisfies RAS mid-year, credit reward/penalty back to beginning of plan year for ongoing employees or date of eligibility for new hires	Yes Participant must earn reward for same plan year RAS satisfied If participant satisfies RAS mid-year, credit reward/penalty back to beginning of plan year for ongoing employees or date of eligibility for new hires
Do you require verification from the participant’s physician that he or she needs a reasonable alternative standard? YES ___ NO ___				
Physician Involvement	Can Require Verification: Not Applicable Must Accommodate: Not Applicable	Can Require Verification: Not Applicable Must Accommodate: Not Applicable	Can Require Verification: Yes Must Accommodate Recommendation: Yes	Can Require Verification: No Must Accommodate Recommendation: Yes
Do you provide participants with a Notice of Availability of Reasonable Alternative Standard? YES ___ NO ___				
RAS Notice Requirement	Notice Required: No	Notice Required: No	Notice Required: Yes; provided in all plan materials describing wellness program	Notice Required: Yes; provided in all plan materials describing wellness program
Do you provide participants with the EEOC required notice for wellness programs? YES ___ NO ___				
EEOC Wellness Notice	Notice Required: No	Notice Required: VACATED 1/1/19 – Pending New Rule Issuance June 2019	Notice Required: VACATED 1/1/19 – Pending New Rule Issuance June 2019	Notice Required: VACATED 1/1/19 – Pending New Rule Issuance June 2019