

# Benefits Buzz

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## DID YOU KNOW

November is National Lung Cancer Awareness Month, and while lung cancer carries the stigma that it is caused only by smoking, the second leading cause of lung cancer is exposure to radon.

Testing your business for radon is the best way to ensure that your employees aren't exposed to it on a daily basis. Testing is easy and inexpensive, and if the radon levels are high, you can take steps to lower them—and the risk to you and your employees developing lung cancer.



## Eleventh Circuit Rules Wellness Program Complies with the ADA

On Aug. 20, 2012, the Eleventh Circuit Court of Appeals ruled that an employer's wellness program did not violate the Americans with Disabilities Act (ADA) prohibition on non-voluntary medical examinations and disability-related inquiries. The program required employees to complete a health risk assessment (HRA) and take a biometric screening, or pay a penalty. According to the court, the employer's wellness program fell under the ADA's safe harbor for bona fide benefit plans.

In this situation, Broward County offered a wellness program that required employees to complete an HRA questionnaire and take a biometric screening measuring cholesterol and glucose levels. The information from the screening helped the health insurer identify individuals with certain health conditions and provide them with an opportunity to participate in a disease management coaching program.

Employees were not required to participate in the wellness program, but those who were enrolled in the group health insurance plan but did not participate in the wellness program were charged \$20 on each biweekly paycheck.

Because the court found that the program satisfied the ADA safe harbor and was exempt from the prohibition, it did not address whether the program imposed non-voluntary examinations or inquiries that would have otherwise been prohibited under the ADA.

The ruling provides another avenue for analyzing whether a wellness program complies with the ADA, though it is not binding in other jurisdictions.

For now, employers may still want to design their wellness programs to be "voluntary" under the ADA, focusing on rewarding participation rather than penalizing those who don't.

## Health Premium Increases Projected

This year, employees and companies in the United States had the lowest health care premium rate increases in six years, but the same isn't expected next year.

Average health plan premiums for employees are expected to increase 6.3 percent in 2013, affecting the average health care cost per employee, the employee portion of the total health care premium and the average employee out-of-pocket costs.

Employers have been taking action to lower the financial burden of health care through implementation of wellness programs and migrating to consumer-driven health plan designs. This strategy has shown decreased claims costs, helping to balance out the increasing cost of health care.

