



Legal Compliance Checklist

This list identifies compliance questions and comments that should trigger concepts covered in *WELCOA Institute Legal Landscape of Workplace Wellness Certification Course*. Use the checklist as a guide to help you consider compliance issues that may arise in designing workplace wellness programs.

Please note: This list is not exhaustive. It does not cover all potential compliance issues that could occur in designing or implementing workplace wellness programs. To ensure a thorough compliance review, consult your legal counsel.

	Does the program offer medical care? <ul style="list-style-type: none"> • <i>Group Health Plan vs. Wellness program</i> • <i>ACA rules may apply</i>
	Does the employee get a reward regardless of ability to meet a particular health standard? <ul style="list-style-type: none"> • <i>Participatory vs Health Contingent</i> • <i>HIPAA Wellness Program Regulations</i>
	If Health Contingent, is program activity-only or outcome-based? <ul style="list-style-type: none"> • <i>Providing reasonable alternative standard for those not meeting primary standard</i> • <i>Meeting the HIPAA Wellness Program Regulations five requirements</i>
	Does Group Health Plan comply with ACA's Market Reform Provision?
	Does HRA include family medical history, or spousal completion of HRA or biometric screening? <ul style="list-style-type: none"> • <i>GINA Requirements</i>
	Are reasonable accommodations or waivers available so all employees have an equal opportunity to earn reward?
	Is the program ADA compliant? <ul style="list-style-type: none"> • <i>The program must not be discriminatory with respect to disability</i> • <i>Medical examinations and inquiries generally must be voluntary</i>
	Is medical information obtained by wellness programs reported in only aggregate form? <ul style="list-style-type: none"> • <i>ADA Wellness Program Regulations</i>
	Did we provide notice of the availability of reasonable accommodations or waivers?
	If we collect employee health information, do we provide EEOC notice before collecting the information?
	Have we reviewed our confidentiality obligations, policies, and procedures?
	Has our vendor(s) reviewed its confidentiality obligations, policies, and procedures?