



March 23, 2017

The Honorable Virginia Foxx
United States House of Representatives
Washington, DC 20515

RE: H.R. 1313, Preserving Employee Wellness Programs Act

Dear Representative Foxx:

On behalf of the Oncology Nursing Society (ONS), I write to ask you to provide better clarity regarding the intent and purpose of H.R. 1313, the Preserving Employee Wellness Programs Act. My understanding is that this legislation would allow employers to offer a substantial health insurance premium discount to workers who take part in company wellness programs that may include submitting to health risk assessments. Further, my understanding is that those health risk assessments may also include genetic testing. **ONS opposes employer coercion of employees to share genetic information and use of that information to discriminate against employees.**

Advances in the understanding and application of cancer genetics and cancer genomics have dramatically changed the practice and implementation of cancer risk assessment, risk reduction, prevention, screening, diagnosis, therapeutics, and options for personalized health care. ONS supports the education of patients and the public about the potential benefits and limitations of genetics and genomic testing, and works to promote cancer prevention by educating patients and the public about DNA structure and function, the effect of carcinogens on the structure and function of DNA, avoidance of carcinogenic substances, and healthy lifestyles, as well as by promoting other well-established cancer risk-reduction methods.

A May 2016 ruling by the Equal Employment Opportunity Commission (EEOC) stated that premiums could be cut by 30 percent for individuals and 60 percent for couples who enrolled in such programs. But under the new bill, premiums could be cut by up to 50 percent. It is unclear whether the intent of the proposed legislation is to make it clearer that there is a new maximum (of 50 percent compared to 60 percent) or if the bill is simply trying to conform the requirement of the EEOC to how insurance is delivered (e.g., providing for an individual plan versus a family plan). Therefore, ONS strongly urges you to provide additional clarity regarding your intent in this area.

In addition, this bill also increases the potential for confusion about how much personal health data employers can ask their employees to disclose. Under the Affordable Care Act (ACA), several changes were made to help ensure that certain employer wellness programs could properly exist in the context of certain privacy safeguards, including those within the Americans with Disabilities Act (ADA) and Genetic Information Nondiscrimination Act (GINA). H.R. 1313 makes some additional changes in this area, and there is much confusion about how those changes ultimately affect those programs. Therefore, ONS strongly urges you to provide additional clarity regarding your intent in this area.

ONS is a professional organization of over 39,000 registered nurses and other health care providers dedicated to excellence in patient care, education, research, and administration in oncology nursing. The growing demand for cancer care, from prevention to palliative care, requires oncology nurses to play a pivotal and increasingly important role in delivering high quality, safe, effective and efficient health care to people affected by, or at risk for, cancer.

ONS will continue to work with other health care providers to promote culturally sensitive, evidence-based cancer prevention, early-detection education and strategies, and genetic and genomic literacy for individuals, communities, and diverse populations. We would be happy to discuss ways in which ONS may be of assistance in advocating for the ethical and legal use of genetic and genomic information, and would encourage you to contact Alec Stone, MA, MPA, ONS Director of Health Policy, at astone@ons.org.

Sincerely,



Susan Schneider, PhD, RN, AOCN®, FAAN
President
Oncology Nursing Society