



## Wellness and Prevention Initiatives

BenefitMall would like to share with you a summary of wellness and prevention initiatives as a result of the Patient Protection and Affordable Care Act (PPACA), as amended by the Health Care and Education Reform Act.

### **Elimination of Co-Payments for Screenings and Preventive Care**

Starting in September of 2010, employer-sponsored (and other) group health plans and health insurance issuers are prohibited from requiring co-pays for all preventive services recommended by an independent expert panel, the United States Preventive Services Task Force. Co-pays are also eliminated for certain recommended immunizations, breast cancer screenings and other preventive care/screenings for women and children. However, this requirement does not apply to "grandfathered" health plans, which are defined in PPACA as any plan in which at least one individual was enrolled as of March 23, 2010.

*Note: Pay careful attention to the cost-sharing requirements for office visits under this rule.*

### **Employee Wellness Discounts**

Starting January 1, 2014, PPACA enhances such wellness discounts by permitting group health plans to give reductions of up to 30 percent of the cost of premiums to employees who participate in such wellness programs. This may be expanded to 50 percent subject to the discretion of the Secretary of Health and Human Services (HHS).

### **Break Time for Nursing Mothers**

Effective immediately, the PPACA also provides that employers covered by the Fair Labor Standards Act must provide reasonable break time and a private space – other than a restroom – for nursing mothers for up to one year after the birth of a child. Employers are not required to compensate employees during such break times. Additionally, employers with less than 50 employees may qualify for exceptions if it can be proven that the requirement would impose an undue hardship on the employer.

### **Posting of Nutritional Requirements**

By March of 2011, the Secretary of HHS must publish regulations requiring all chain restaurants (defined as any establishment that has 20 or more locations operating under the same name) to disclose the nutritional content of all menu items. Specifically, the number of calories for each item must be disclosed on menus, menu boards and drive through menu boards, and such menus must also feature "a succinct statement concerning suggested daily caloric intake." This requirement also extends to buffet items, and vending machines maintained by companies that operate 20 or more machines.

### **Government Funding for Wellness Programs**

In addition to the specific provisions outlined above, PPACA also creates a "Prevention and Public Health Fund" which will be administered through HHS and will support prevention and public health programs. Beginning with the fiscal year 2010, \$500 million will be appropriated to various programs within HHS, with the amount of appropriations increasing each year to \$2 billion in the fiscal year 2015 and each year thereafter. Under PPACA, the funds are to be used for activities such as prevention research and health screenings, the Community Transformation grant program (designed to fund state and municipal wellness programs by creating walking paths,

nutrition awareness programs, etc.), Education and Outreach Campaign for Preventive Benefits (a planned public-private partnership to raise awareness on preventive care), and immunization programs.

Additionally, school-based health centers (facilities that provide primary health care to students on school campuses) will receive \$50 million per year in grant funding through 2013. These grant monies are to be used only for expenditures on facilities and equipment, not for hiring personnel.

#### **Small Business Grants for Wellness Programs**

The PPACA includes a grant program to assist small businesses in providing comprehensive workplace wellness programs. Grants will be awarded to eligible employers to provide their employees with access to new workplace wellness initiatives. The grants will be awarded beginning in 2011 with \$200 million appropriated for a five year period.

#### **An eligible employer is an employer that:**

- Employs fewer than 100 employees who work 25 hours or more per week; and
- Did NOT have a workplace wellness program in place as of March 23, 2010 (date of PPACA enactment)

The PPACA requires the Secretary of HHS to develop program criteria that are based on research and best practices. A comprehensive workplace wellness program must be made available to all employees and include:

- Health awareness initiatives (including health education, preventive screenings and health risk assessments)
- Efforts to maximize employee engagement (including mechanisms to encourage employee participation)
- Initiatives to change unhealthy behaviors and lifestyle choices (including counseling, seminars, online programs and self-help materials)
- Supportive environment efforts (including workplace policies to encourage healthy lifestyles, healthy eating, increased physical activity and improved mental health)

*Note: The money will likely go quickly. Small businesses need to be prepared with a wellness program which meets the criteria and requirements as described in the PPACA and developed by the Secretary of HHS.*

While there are still many unanswered questions regarding the implementation of the above mentioned programs, especially the small business wellness grant funding, adding provisions for wellness and prevention under PPACA is one small step for a healthier workforce.

#### **Upcoming Webinar**

Want to learn more? Join us for our upcoming webinar on **Friday, September 17**, to discuss the wellness grants, exchanges and immediate changes effective 2010. More information will be provided soon.

In order for you to conveniently share this information with your clients, please view the fillable document, [Wellness and Prevention Initiatives](#).

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Sincerely,



Michael Gomes  
Executive Vice President

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