

AMENDMENTS
OFFERED BY MR. CASTLE OF DELAWARE
[HRdraft1]

In section 113, add at the end the following new paragraph:

1 (4) PERMISSIBLE VARIATION FOR PROGRAMS
2 OF HEALTH PROMOTION AND DISEASE PREVEN-
3 TION.—By participation (or lack of participation) in
4 a standards-based wellness program under a group
5 health plan so long as such variation (and variation
6 in cost-sharing relating to such participation or lack
7 thereof) does not exceed 50 percent.

In section 122, add at the end the following new subsection:

8 (d) PERMISSIBLE VARIATION FOR PROGRAMS OF
9 HEALTH PROMOTION AND DISEASE PREVENTION.—The
10 cost-sharing and premiums may vary for qualified health
11 benefits plans by up to 50 percent based on participation
12 (or lack of participation) in a standards-based wellness
13 program under a group health plan.

Insert at the appropriate place in division A the following:

1 **SEC. ____ . PROVIDING FINANCIAL INCENTIVES FOR TREAT-**
2 **MENT COMPLIANCE.**

3 (a) ERISA LIMITATION ON EXCEPTION FOR
4 WELLNESS PROGRAMS UNDER HIPAA DISCRIMINATION
5 RULES.—Section 702(b)(2) of the Employee Retirement
6 Income Security Act of 1974 (29 U.S.C. 1182(b)(2)) is
7 amended by adding after and below subparagraph (B) the
8 following:

9 “In applying subparagraph (B), a group health plan
10 (or a health insurance issuer with respect to health
11 insurance coverage) may vary premiums and cost-
12 sharing by up to 50 percent of the value of the bene-
13 fits under the plan (or coverage) based on participa-
14 tion (or lack of participation) in a standards-based
15 wellness program.”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall apply to plan years beginning more
18 than 1 year after the date of the enactment of this Act.

