



BENEFIT NEWS BRIEFS

Three Agencies Release Interim Final Rules Prohibiting Discrimination Based on Genetic Information in Health Insurance Coverage and Group Health Plans Under GINA

On October 1, 2009, the Internal Revenue Service (IRS), Employee Benefits Security Administration (EBSA), and the Centers for Medicare & Medicaid Services (CMS) jointly released a prepublication version of *Interim Final Rules Prohibiting Discrimination Based on Genetic Information in Health Insurance Coverage and Group Health Plans*.

The interim final regulations are available by "[clicking here](#)" or at the EBSA website at: http://www.dol.gov/ebsa/pdf/2009-22504_P1.pdf. The EBSA portion of the regulations begins at page 81 of the document. The regulations are set to be published in the *Federal Register* on October 7. These interim final regulations are effective 60 DAYS after publication or about December 6. A specially prepared version of the EBSA portion of the regulations with a table of contents is available by "[clicking here](#)."

The interim final rules implement Sections 101 through 103 of Title I of the *Genetic Information Nondiscrimination Act of 2008 (GINA)*. These provisions prohibit *discrimination* based on genetic information in health insurance coverage and group health plans and the *collection* of such information.

GINA builds on existing protections added by Titles I and IV of the *Health Insurance Portability and Accountability Act of 1996 (HIPAA)* that already prohibit a group health plan or group health insurance issuer from imposing a preexisting condition exclusion based solely on genetic information and from discriminating against an individual in eligibility, benefits, or premiums based on genetic information of the individual or a dependent of the individual.

See [Research Memo 2008-26](#) for more background on *GINA*. A helpful EBSA *Fact Sheet* on the protections of *GINA* is available by "[clicking here](#)" or at: <http://www.dol.gov/ebsa/newsroom/fsGINA.html>.

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