



## RELATED PRACTICE AREAS

Labor and Employment  
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## WEBINARS | ON DEMAND

### Labor And Employment Update For Employers - May 2024

### Designing a Compliant Wellness Program

#### DATE

May 8, 2024  
2 p.m.-3 p.m. (Eastern)

#### SPEAKERS



**Nicole D. Bogard**  
Partner



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Partner



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Partner

Employers that sponsor group health plans are generally prohibited under the Patient Protection and Affordable Care Act and HIPAA from charging similarly-situated employees different amounts for benefits (through deductibles, co-payments or other cost sharing requirements) based on a health factor.

However, compliant wellness programs provide an exception to this general rule.

We will discuss these frequently asked questions about wellness programs – and more:

- What is a participatory wellness program?
- What is a health-contingent wellness program?
  - When is a health-contingent wellness program considered “activity-only” or “outcome-based”?
  - What makes a program reasonably designed to promote health and prevent disease?
  - What is a reasonable alternative standard for obtaining a reward under a health-contingent wellness program?
  - What special rules apply in the case of a wellness program which applies a tobacco surcharge?
- What is the maximum reward permitted under a wellness program and is any form of reward subject to tax?
- What nondiscrimination requirements apply to participatory and health-contingent wellness programs?
- Does the ADA, GINA, NLRA and EEOC guidance apply to wellness programs?

1.0 hour CLE credit and 1.0 hour HRCI credit pending. This program is valid for 1.0 PDCs for the SHRM-CP® or SHRM-SCP®.

Questions? [Email Lindsay Bostic](#) or call 317-231-7382.