



January 25, 2013

Office of Health Plan Standards and Compliance Assistance
Employee Benefits Security Administration
Room N-5653
U.S. Department of Labor
200 Constitution Avenue NW
Washington, DC 20210
Attention: Wellness Programs
Submitted via www.regulations.gov

Re: AAUW comments on wellness programs

Dear Sir/Madam:

On behalf of the more than 150,000 members and supporters of the American Association of University Women (AAUW), I am pleased to share AAUW's comments on the Department of Labor's proposed regulations regarding employee wellness programs.¹ AAUW's member-adopted Public Policy Principles support "quality affordable health care, the right to privacy, and choice in the determination of one's reproductive life."² AAUW has been empowering women and girls since 1881.

All Americans, as a basic right, should have access to quality affordable health care. Failure to provide for and protect that right has had numerous consequences over time, such as dismal health outcomes for Americans compared to the rest of the developed world and excessive indirect costs that take a substantial toll on the economy. Women disparately feel these negative outcomes, as they comprise a larger share of health care consumers, often manage multiple chronic conditions and pay more out-of-pocket costs, causing their health care to be prohibitively expensive and frequently unaffordable.³

When the Affordable Care Act was signed into law in March 2010, AAUW believed that, although not perfect by any stretch, many of the law's reforms would improve the collective health of the American people. Many of AAUW's health care priorities⁴ were directly addressed in the final legislation. It is our hope that the full implementation of the ACA's requirements will result in better health outcomes for women.

AAUW supports the Department's efforts to implement the health care law and strongly supports efforts to improve women's health and wellness. However, great care should be taken to ensure that wellness programs, when they are attached to financial rewards and penalties, do not create barriers to women accessing affordable health care. Wellness programs must take into account women's unique healthcare needs and socioeconomic circumstances and must not discriminate on the basis of gender or serve as a backdoor route to gender rating.

There are a variety of reasons why women in particular might be negatively impacted by wellness program. Women are more likely to suffer from multiple chronic conditions that might make meeting certain health status goals difficult. Additionally, women who are pregnant or breast feeding might have an even harder time meeting certain health goals. Further, low income women may face environmental or socioeconomic barriers to changing their lifestyle or health. These challenges include child or elder care obligations, unsafe walking/biking trails or limited access to recreational facilities, the need to hold a second or third job, and limited access to healthy, affordable foods.

It is vital that wellness programs not undercut the ACA's goal of accessible and affordable health care. The Department should ensure that wellness programs do not discriminate against women, require the implementation of strong privacy protections that protect consumers' health care information, and ban programs that make coverage unaffordable.

Thank you for the opportunity to submit comments on this important issue. I look forward to working with you to improve women's health care. If you have any questions, please feel free to contact me at 202-785-7720, or Beth Scott, regulatory affairs manager, at 202-728-7617.

Sincerely,



Lisa M. Maatz
Director, Public Policy and Government Relations

¹ *The Federal Register*. (November 26, 2012). *Incentives for Nondiscriminatory Wellness Programs in Group Health Plans*; Vol. 77, No. 227. Retrieved January 17, 2013, from www.gpo.gov/fdsys/pkg/FR-2012-11-26/pdf/2012-28361.pdf

² AAUW. (June 2011). *2011-13 AAUW Public Policy Program*. Retrieved December 13, 2012, from www.aauw.org/act/issue_advocacy/principles_priorities.cfm

³ National Women's Law Center. (April 2007). *Women and Health Coverage, the Affordability Gap*. Retrieved January 17, 2013, from www.commonwealthfund.org/usr_doc/1020_Patchias_women_hlt_coverage_affordability_gap.pdf.

⁴ AAUW. (October 2011). *Health Care: A Basic Right*. Retrieved December 18, 2012, from www.aauw.org/act/issue_advocacy/actionpages/upload/Healthcare_112.pdf