HAYNES BOONE

EEOC Wellness Regulations Vacated Beginning in 2019

January 10, 2018

We **previously reported** that the U.S. District Court for the District of Columbia required the EEOC to reconsider its wellness regulations under the Americans with Disabilities Act (the ?ÃÂ£**ADA**?ÃÂ¥) and the Genetic Information Non-Discrimination Act (?ÃÂ£**GINA**?ÃÂ¥). The court recently granted a motion filed by the American Association of Retired Persons (?ÃÂ£**AARP**?ÃÂ¥) to amend that judgment and vacate the permitted 30 percent incentive level under the applicable ADA and GINA regulations, effective as of January 1, 2019. Generally, the ADA and GINA regulations permitted wellness programs to provide incentives of up to 30 percent of the cost of coverage under an employer group health plan without such programs being considered ?ÃÂ£involuntary.?ÃÂ¥ Employers should be aware that new guidance regarding permitted incentives under the ADA and GINA may be issued later this year to be effective as of January 1, 2019. **View AARP v. U.S. Equal Employment Opportunity Commission**.