

New Affordable Care Act FAQs: Employer Wellness Programs

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The U.S. Departments of Labor (**DOL**), Health and Human Services, and the Treasury issued a new set of Frequently Asked Questions (**FAQs**) that, among other things, provides examples of when a health-contingent wellness program would not be “reasonably designed” as required by the Affordable Care Act. Examples of unreasonable plan designs include programs designed to discourage enrollment by individuals who are sick or may have high claims experience, programs that require unreasonable time commitments or travel, and outcome-based programs that do not provide a reasonable alternative to individuals who do not initially meet the relevant standard based on a health condition. The FAQs also clarify that compliance with the Affordable Care Act’s wellness program requirements does not ensure compliance with other laws, such as the ADA. The FAQs can be found [here](#).