

Emergency Rule
LSA Document #08-218(E)

DIGEST

Temporarily adds rules to establish minimum standards for use by a small employer in establishing a wellness program to improve the health of employees of the small employer and to establish criteria and a process for certification of a small employer's wellness program for purposes of [IC 6-3.1-31.2](#). Authority: [IC 4-22-2-37.1](#); [IC 16-19-3-5](#); [IC 16-46-13](#). Effective April 10, 2008.

SECTION 1. The definitions in this document apply throughout this document.

SECTION 2. "Certification" means the approval of a wellness program by the state department.

SECTION 3. "Employee" means a full-time employee who is employed to work at least thirty (30) hours each week.

SECTION 4. "Small employer" has the meaning set forth in [IC 6-3.1-31.2-3](#).

SECTION 5. "State department" refers to the state department of health.

SECTION 6. "State health commissioner" means the state health commissioner of the state department of health.

SECTION 7. "Vendor" means a business or organization that directly provides wellness programs to employers as part of its normal business practice. This term does not include a business or organization that acts in the capacity of a broker, or something similar, for this type of service.

SECTION 8. "Wellness program" means a plan designed to improve the health of employees of a small employer that addresses employee appropriate weight loss, smoking cessation, and the pursuit of preventative health care services.

SECTION 9. The state department may organize an advisory committee for the purpose of advising the state health commissioner on the registration of vendors and certification of wellness programs. The state health commissioner or a designee will serve as an ex officio member.

SECTION 10. Before the state department may consider a wellness program for certification, a written description must be submitted electronically to the state department that includes detailed information about each of the following required components of a wellness program:

(1) Education materials that provide information to employees about the following health topics:

(A) Appropriate weight loss.

(B) Smoking cessation.

(C) Preventative health care services.

(2) Assessments that serve as a means of evaluating the health status of employees in each of the following areas:

(A) Appropriate weight loss.

(B) Smoking cessation.

(C) Pursuit of preventative health care services.

(3) Rewards program that provides incentives for motivating employees in each of the following areas:

(A) Appropriate weight loss.

(B) Smoking cessation.

(C) Pursuit of preventative health care services.

(4) Measurement tool that evaluates the success and validity of the wellness program in each of the following areas:

(A) Appropriate weight loss.

(B) Smoking cessation.

(C) Preventative health care services.

SECTION 11. The state department may request supporting documentation to be submitted either with the written description or after reviewing the written description. The state department will not certify a wellness program until all such documentation is submitted to the satisfaction of the state department.

SECTION 12. Wellness programs must be submitted to the state department by October 1, 2008, to be considered for certification in 2008.

SECTION 13. After a wellness program is certified by the state department, if the submitting business or organization is a small employer, the state department shall issue a written certificate for purposes of [IC 6-3.1-31.2-9](#). The written certificate will expire on December 31, 2008.

SECTION 14. After a wellness program is certified by the state department, if the submitting business or organization qualifies as a vendor, the state department may add the vendor to a published list of registered vendors at the request of the vendor.

SECTION 15. Instead of submitting a wellness program for certification, a small employer may provide to its employees a certified wellness program through a registered vendor. The registered vendor and the small employer shall document to the state department that the small employer is utilizing a certified wellness program through the registered vendor. Within thirty (30) days of the receipt of satisfactory documentation, the state department shall issue a certificate to the small employer for purposes of [IC 6-3.1-31.2-9](#).

SECTION 16. Registered vendors that provide a certified wellness program on behalf of a small employer must submit documentation to this effect by November 30, 2008, for the small employer to be eligible for a certificate in 2008.

SECTION 17. (a) Any vendor registered by the state department prior to the effective date of this rule must submit a new request to the state department for inclusion on the published list of registered vendors.

(b) The state department may request that a vendor resubmit all documentation regarding its certified wellness programs.

SECTION 18. The state department may provide a list of all small employers that have received certification to the department of revenue.

SECTION 19. SECTIONS 1 through 18 of this document take effect April 10, 2008.

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