

**Final Rule**

LSA Document #07-488(F)

**DIGEST**

Adds [410 IAC 31](#) 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 and recertification of a small employer's wellness program for purposes of [IC 6-3.1-31.2](#). Effective 30 days after filing with the Publisher.

**[410 IAC 31](#)**

SECTION 1. [410 IAC 31](#) IS ADDED TO READ AS FOLLOWS:

**ARTICLE 31. SMALL EMPLOYER QUALIFIED WELLNESS PROGRAM**

**Rule 1. Definitions**

**[410 IAC 31-1-1](#) Applicability**

Authority: [IC 16-19-3-5](#); [IC 16-46-13](#)

Affected: [IC 6-3.1-31.2](#)

**Sec. 1. The definitions in this rule apply throughout this article.**

*(Indiana State Department of Health; [410 IAC 31-1-1](#); filed Oct 30, 2008, 4:04 p.m.:  
[20081126-IR-410070488FRA](#))*

**[410 IAC 31-1-2](#) "Certification" defined**

Authority: [IC 16-19-3-5](#); [IC 16-46-13](#)

Affected: [IC 6-3.1-31.2](#)

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

*(Indiana State Department of Health; [410 IAC 31-1-2](#); filed Oct 30, 2008, 4:04 p.m.:  
[20081126-IR-410070488FRA](#))*

**[410 IAC 31-1-3](#) "Employee" defined**

Authority: [IC 16-19-3-5](#); [IC 16-46-13](#)

Affected: [IC 6-3.1-31.2](#)

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

*(Indiana State Department of Health; [410 IAC 31-1-3](#); filed Oct 30, 2008, 4:04 p.m.:  
[20081126-IR-410070488FRA](#))*

**[410 IAC 31-1-4](#) "Small employer" defined**

Authority: [IC 16-19-3-5](#); [IC 16-46-13](#)

Affected: [IC 6-3.1-31.2-3](#)

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

(Indiana State Department of Health; [410 IAC 31-1-4](#); filed Oct 30, 2008, 4:04 p.m.:  
[20081126-IR-410070488FRA](#))

**[410 IAC 31-1-5](#) "State department" defined**

Authority: [IC 16-19-3-5](#); [IC 16-46-13](#)

Affected: [IC 6-3.1-31.2](#)

**Sec. 5. "State department" refers to the state department of health.**

(Indiana State Department of Health; [410 IAC 31-1-5](#); filed Oct 30, 2008, 4:04 p.m.:  
[20081126-IR-410070488FRA](#))

**[410 IAC 31-1-6](#) "State health commissioner" defined**

Authority: [IC 16-19-3-5](#); [IC 16-46-13](#)

Affected: [IC 6-3.1-31.2](#)

**Sec. 6. "State health commissioner" means the state health commissioner of the state department.**

(Indiana State Department of Health; [410 IAC 31-1-6](#); filed Oct 30, 2008, 4:04 p.m.:  
[20081126-IR-410070488FRA](#))

**[410 IAC 31-1-7](#) "Wellness program" defined**

Authority: [IC 16-19-3-5](#); [IC 16-46-13](#)

Affected: [IC 6-3.1-31.2](#)

**Sec. 7. "Wellness program" means a plan designed to improve the health of employees of a small employer that addresses the following:**

- (1) Appropriate weight loss.**
- (2) Smoking cessation.**
- (3) The pursuit of preventative health care services.**

(Indiana State Department of Health; [410 IAC 31-1-7](#); filed Oct 30, 2008, 4:04 p.m.:  
[20081126-IR-410070488FRA](#))

**Rule 2. Wellness Program Certification**

**[410 IAC 31-2-1](#) Advisory committee**

Authority: [IC 16-19-3-5](#); [IC 16-46-13](#)

Affected: [IC 6-3.1-31.2](#)

**Sec. 1. The state department may organize an advisory committee for the purpose of advising the state health commissioner on the certification of wellness programs. The state health commissioner or a designee will serve as an ex officio member.**

(Indiana State Department of Health; [410 IAC 31-2-1](#); filed Oct 30, 2008, 4:04 p.m.:  
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**[410 IAC 31-2-2](#) Written description of wellness program**

Authority: [IC 16-19-3-5](#); [IC 16-46-13](#)

Affected: [IC 6-3.1-31.2](#)

**Sec. 2.** 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) Educational 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) The pursuit of preventative health care services.

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

(A) Appropriate weight loss.

(B) Smoking cessation.

(C) The pursuit of preventative health care services.

(4) A 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.

(Indiana State Department of Health; [410 IAC 31-2-2](#); filed Oct 30, 2008, 4:04 p.m.: [20081126-IR-410070488FRA](#))

#### **[410 IAC 31-2-3](#) Supporting documentation**

Authority: [IC 16-19-3-5](#); [IC 16-19-5-1](#); [IC 16-46-13](#)

Affected: [IC 6-3.1-31.2](#)

**Sec. 3.** 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.

(Indiana State Department of Health; [410 IAC 31-2-3](#); filed Oct 30, 2008, 4:04 p.m.: [20081126-IR-410070488FRA](#))

#### **[410 IAC 31-2-4](#) Wellness program submission deadline**

Authority: [IC 16-19-3-5](#); [IC 16-46-13](#)

Affected: [IC 6-3.1-31.2](#)

**Sec. 4.** Wellness programs must be submitted to the state department by October 1 to be considered for certification in the year of submission. Wellness programs submitted after October 1 will be considered for certification in the year following submission.

(Indiana State Department of Health; [410 IAC 31-2-4](#); filed Oct 30, 2008, 4:04 p.m.: [20081126-IR-410070488FRA](#))

#### **[410 IAC 31-2-5](#) Recertification of wellness program**

Authority: [IC 16-19-3-5](#); [IC 16-46-13](#)

Affected: [IC 6-3.1-31.2](#)

**Sec. 5. To maintain certification of a wellness program, small employers must recertify annually by October 1 that the wellness program is the same program that was certified by the state department in the prior year. The state department may request supporting documentation before recertifying a wellness program.**

(Indiana State Department of Health; [410 IAC 31-2-5](#); filed Oct 30, 2008, 4:04 p.m.: [20081126-IR-410070488FRA](#))

#### **[410 IAC 31-2-6](#) Written certificate**

**Authority:** [IC 16-19-3-5](#); [IC 16-46-13](#)

**Affected:** [IC 6-3.1-31.2-9](#)

**Sec. 6. 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 expires on December 31 of the calendar year in which it is issued.**

(Indiana State Department of Health; [410 IAC 31-2-6](#); filed Oct 30, 2008, 4:04 p.m.: [20081126-IR-410070488FRA](#))

#### **[410 IAC 31-2-7](#) Cooperation with department of state revenue**

**Authority:** [IC 16-19-3-5](#); [IC 16-46-13](#)

**Affected:** [IC 6-3.1-31.2](#)

**Sec. 7. The statement department may provide a list of all small employers that have received certification to the department of state revenue.**

(Indiana State Department of Health; [410 IAC 31-2-7](#); filed Oct 30, 2008, 4:04 p.m.: [20081126-IR-410070488FRA](#))

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