

## View Rule

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EEOC

RIN: 3046-AB01

Publication ID: Fall 2014

Title: Amendments to Regulations Under the Americans With Disabilities Act

**Abstract:**

This proposed rule would amend the regulations to implement the equal employment provisions of the Americans with Disabilities Act (ADA) to address the interaction between title I of the ADA and financial inducements and/or penalties as part of wellness programs offered through health plans. EEOC also plans to address other aspects of wellness programs that may be subject to the ADA's nondiscrimination provisions in this NPRM.

**Agency:** Equal Employment Opportunity Commission(EEOC)**Priority:** Other Significant**RIN Status:** Previously published in the Unified Agenda**Agenda Stage of Rulemaking:** Proposed Rule Stage**Major:** No**Unfunded Mandates:** No**EO 13771 Designation:** uncollected**CFR Citation:** [29 CFR 1630](#)**Legal Authority:** [42 USC 12101 et seq](#)**Legal Deadline:** None

**Statement of Need:** The revision to 29 CFR 1630.14(d) is needed to address numerous inquiries EEOC has received about whether an employer that complies with regulations implementing the final Health Insurance Portability and Accountability Act (HIPAA) rules concerning wellness program incentives, as amended by the Affordable Care Act (ACA), will be in compliance with the ADA.

**Summary of the Legal Basis:** The ADA requires the EEOC to issue regulations implementing title I of the Act. The EEOC initially issued regulations in 1991 on the law's requirements and prohibited practices with respect to employment and issued amended regulations in 2011 to conform to changes to the ADA made by the ADA Amendments Act of 2008. These proposed revisions are based on that statutory requirement.

**Alternatives:** The EEOC will consider all alternatives offered by public commenters.

**Anticipated Costs and Benefits:** Based on the information currently available, the Commission does not anticipate that the rule will impose additional costs on employers, beyond minimal costs to train human resource professionals. The regulation does not impose any new employer reporting or recordkeeping obligations. We anticipate that the changes will benefit entities covered by title I of the ADA by generally promoting consistency between the ADA and HIPAA, as amended by the ACA, and result in greater predictability and ease of administration.

**Risks:** The proposed rule imposes no new or additional risks to employers. The proposal does not address risks to public safety or the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/2015	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal, Local, State**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Federalism:** No**Included in the Regulatory Plan:** Yes**RIN Data Printed in the FR:** No**Agency Contact:**

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