

# Health Information Compliance Alert

## Legislation: SNOWE BILL SEEKS GENETIC PROTECTIONS

The successful mapping of the human ge-nome is spurring attempts to minimize the potential for misuse of genetic information.

Sen. **Olympia Snowe** (R-ME) March 6 introduced a new version of a bill that would prohibit insurers and employers from discriminating on the basis of genetic information. Originally introduced in April 1996, this revised version of the "Genetic Information Non-Discrimination Act of 2002" contains for the first time provisions intended to prevent employers from using genetic information to hire or fire an employee.

In introducing the legislation, Snowe cited last year's **Burlington Northern** case in which employees who refused to undergo genetic testing for carpal tunnel syndrome were threatened with dismissal as evidence of the need for employee protection.

The case "demonstrated the threat of employment discrimination is real," says Snowe, "so it is essential we take this information off the table before abuse becomes widespread."

Among its provisions the bill:

1. Prohibits insurers from using genetic information;
2. Prohibits insurers from using information about family background to deny coverage or adjust premiums and rates; and
3. Requires insurers to treat any genetic information they possess in the same way as other health information, in compliance with existing privacy rules.

For employers, the proposed legislation:

4. Prohibits the use of genetic information derived from either testing or a family background in hiring, firing, assigning jobs or handing out promotions;
5. Prevents employers from collecting an employee's genetic information except in limited cases, such as to monitor the effects of toxic substances in the workplace;
6. Requires employers to maintain any genetic information they acquire as part of an employee's confidential medical records; and
7. Employs the Equal Employment Opportunities Commission to oversee enforcement.

In addition to preventing genetically-based discrimination, Snowe hopes the proposed law will also alleviate privacy concerns that might hinder the beneficial use of genetic information.

"If, because of concerns about the way the information could be used, people are unwilling to use the potential unlocked

by the Genome project to take proactive steps to protect their health then we will never reap the true benefits of this discovery."