A. P. MOLLER - MAERSK GROUP

November 13, 2009

Office of Health Plan Standards and Compliance Assistance
Employee Benefits Security Administration, Room N-5653
United States Department of Labor
200 Constitution Avenue, NW
Washington D.C. 20210

Attention: RIN 1210-AB27

Maersk Inc. appreciates the liberty to respond to the Request for Information on Title I of the Genetic Information Nondiscrimination Act of 2008 (GINA). This letter is to express our serious apprehension about the adverse impact of the interim final rules on employer-sponsored wellness programs and to request that you retract the regulations.

Maersk Inc. has been continuously making improvements to our wellness program to try and improve the health of all our colleagues and their family members. We aim to provide resources to help all colleagues chart a course toward better health. We also provide tools that offer valuable insight into overall health and possible risk factors. The program emphasizes preventive measures everyone can take to improve their health.

We have a great response to our voluntary health assessments, which are to identify people with health risks and offer programs and benefits that will reduce those risks. Health assessments provide opportunities for referral to preventive care, disease management programs, health promotion and other behavioral change initiatives. All of these programs are crucial in holding back the accelerating cost of health care and ensuring that our colleagues and family members are healthy and productive.

Health assessments that include questions about family medical history are vital for identifying plan participants who may particularly benefit from wellness initiatives and disease management programs. Without family medical history, plans will lose information about a key risk factor which identifies plan participants at higher risk for cardiovascular disease, some cancers, diabetes or other major chronic conditions.

To follow the rules, as they are now published, will severely limit the ability of our group health plan to identify members who can most benefit from these valuable voluntary programs that promote wellness, help maintain health and manage chronic disease. The rules could have serious consequences diminishing the ability of our group health plans to improve quality, care coordination, medical outcomes and lower costs.

Thank you, again, for your consideration of these important issues.

Sincerely,

Lillian Kandybowicz

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cc: The Honorable Timothy Geithner, Secretary, U.S. Department of Treasury ,The Honorable Kathleen Sebelius, Secretary, U.S. Department of Health and Human Services, The Honorable Hilda Solis, Secretary, U.S. Department of Labor Stuart J. Ishimaru, Acting Chairman, U.S. Equal Employment Opportunity Commission ,Robert Kocher, MD, Special Assistant to the President, National Economic Council, The White House, Ezekiel Emanuel, MD, Special Advisor for Health Policy, Office of the Director, Office of Management and Budget