This book attempts to tackle most of the major federal laws that affect workplace wellness programs. The book touches on some state-based laws, such as workers’ compensation, as well. However, covering each and every state law that may impact workplace wellness programs would take numerous volumes. As a result, readers of this book should be aware that, although this book aims to be comprehensive in its coverage of federal law, it does not tell the whole legal story because the book does not address most state laws.

Nevertheless, those who yearn for an in-depth examination of workplace wellness program compliance should find this book useful. The book refers to this audience frequently as “workplace wellness professionals and organizations.” Workplace wellness professionals include human resource professionals, corporate executives, and health promotion professionals, including health educators, fitness professionals, diet and nutrition professionals, health coaches, and traditional and alternative healthcare providers such as physicians, nurses, occupational therapists, chiropractors, massage therapists, acupuncturists, and naturopathic physicians, to name a few. These professionals may work for a “workplace wellness organization,” which may be a company that sponsors a workplace wellness program, a vendor or health insurer that offers workplace wellness program products or services, or a company that might be developing innovative tools for the workplace wellness industry. Entrepreneurs and technology professionals specifically may value the chapters on data privacy, mHealth, and FDA regulation of medical devices. Health and employee benefits attorneys who advise clients on workplace wellness program compliance may also find that this book serves as a valuable resource for their law practice. In addition, academicians who teach courses in health promotion, workplace wellness, or health law may want to adopt this book as a text for their courses.

The approach of this book is to inform the reader of the “what,” “why,” and “how” of workplace wellness program laws: (1) what laws are important for workplace wellness program compliance; (2) why
those laws exist and why they are important for workplace wellness program design and implementation; and (3) how workplace wellness professionals and organizations can apply workplace wellness laws effectively. The diagram in Figure FM.1 outlines this approach.

The chapters of this book are organized by legal issue, such as offering incentives or screening services, with a discussion of the applicable laws pertinent to each of those legal issues. There is a list of learning objectives at the beginning of each chapter to help prepare the reader for the different concepts and ideas discussed in the chapter. At the end of each chapter is a list of Key Points or Case Scenarios and then a list of Study Questions to help the reader achieve the “how” to apply the law, as shown in Figure FM.1. For those interested in more structured study of the topics in this book, a training curriculum is available. For more information about the training curriculum, visit www.wellnesslaw.com.
Following is a brief description of each chapter:

**Introduction**—Both authors offer their own perspectives on workplace wellness and the role of law in the workplace wellness field.

**Chapter 1: Understanding the U.S. Legal System**—This chapter provides background on the legal system in the United States. It covers the different sources of law and the three branches of government to give the reader a strong knowledge base regarding legal concepts. This knowledge base will be very useful when reading subsequent chapters.

**Chapter 2: A Solid Foundation**—Like the first chapter, the second chapter also seeks to provide the reader with a foundation of knowledge, but this time in regard to the book’s legal approach. The chapter discusses the concepts of preventive law and therapeutic jurisprudence and why it makes sense to apply these concepts to workplace wellness programming.

**Chapter 3: To Plan or Not to Plan: A Historical Look at the Employer-Employee Relationship and the Birth of Employee Benefits**—This chapter explores the importance of determining whether a wellness program is part of a group health plan, how to determine group health plan status, and what group health plan status means from a legal perspective. The chapter also covers the history of labor and employment laws, as well as employee benefit laws to help the reader appreciate their existence.

**Chapter 4: The Law of Wellness Incentives and Screening**—This chapter looks at the laws that govern workplace wellness program incentives, including HIPAA/ACA, ADA, and GINA. The chapter reviews the history of each of these laws, explains what they say about workplace wellness programs, and offers the reader opportunities to apply concepts from the incentive laws. Because some of the incentive laws depend upon a screening component in a wellness program (such as a health risk assessment or biometric screen), the chapter also addresses the federal CLIA law, some state screening laws, and pre-activity screening standards and guidelines.

**Chapter 5: The Taxing Truth**—After a short exploration of the history and purpose of the United States’ income tax, the chapter examines the medical care expense deduction. This deduction is at the heart of whether
wellness incentives are taxable or not taxable as income. The chapter provides examples of wellness incentives that qualify as tax exempt or are subject to tax.

Chapter 6: Are They Qualified to Do That?—This chapter covers the different types of credentialing available in the workplace wellness field, such as accreditation, licensure, and certification. It also reviews the legal concept of “scope of practice” and applies that concept to the different professionals in the workplace wellness industry, emphasizing the consequences of wandering outside one’s scope of practice. Finally, the chapter offers some risk management strategies to ensure that only those who are competent and qualified provide workplace wellness services.

Chapter 7: Is That Part of Their Workday?—Many workplace wellness programs take place during working hours. This chapter explores the importance of laws that govern compensable employee activities, such as the Fair Labor Standards Act and state worker compensation laws. The chapter offers case examples to illustrate how workplace wellness programs can be affected by when, how, or why workers participate in wellness activities.

Chapter 8: What About Stress?—Because work-related stress has effects on employee well-being, this chapter provides insight into what causes work-related stress and what authorities like the World Health Organization recommend to minimize it. The chapter advocates for a wellness program that addresses stress inducers comprehensively, and uses various laws, such as workers’ compensation, OSHA, mental health parity laws, and civil rights laws, as a basis for implementing such comprehensive programs.

Chapter 9: Data Privacy: The Web We Have Weaved—As workplace wellness programs become more digital, such as through wearable technology and online tools, data privacy and security becomes a more prominent issue. This chapter studies the numerous federal laws that could govern data privacy and security for workplace wellness programs. It also gives the reader an appreciation of the massive amounts of data that are shared and disclosed on a daily basis, and the industry that has
sprouted around data collection and sharing. The chapter offers readers best practices to minimize data privacy and security concerns of wellness program participants.

Chapter 10: Moving Wellness to eHealth: A World of Heavier (FDA) Regulation—This chapter recognizes the interest by some in the workplace wellness industry in moving from outside the workplace into the clinical world, particularly by those who are creating new technologies to help improve the health of patients. The purpose of this chapter is to introduce those interested in moving into the clinical world to the FDA regulation of medical devices. The chapter offers decision tools to help readers determine whether a wellness technology is or could be subject to FDA regulation.

Chapter 11: What’s Next for Workplace Wellness?—In this final chapter, the authors offer their insight into where workplace wellness is going ... or at least should be going. The authors describe a trend by workplace wellness professionals and organizations to move into the broader community, particularly the healthcare community. The chapter offers ideas on how certain current Affordable Care Act provisions can facilitate that effort. The authors also see a benefit from applying “Precision Medicine” concepts to wellness and how that could lead to less discrimination and more diversity in the field. Finally, the authors advocate for more compliance training, standards, and guidance in workplace wellness as a way to boost the field's effectiveness and reputation.

Afterword—Author Barbara J. Zabawa gives her thoughts on how this book came to be.