



### **Genetic Information Nondiscrimination Act (GINA)**

After over 2 years of commentary and rule making, the long awaited EEOC final regulations implementing Title II of the Genetic Information Non-Discrimination Act (GINA) are in effect as of January 10, 2011. GINA was founded out of concern over the growing advancements in genetics and the possible misuse of that information to discriminate against individuals in employment. The regulations clarify when employers may be liable for acquiring "genetic information." Genetic information includes: information about an individual or his/her family member's genetic tests, family medical history, requests for or receipt of genetic services or the genetic information of a fetus or embryo of an individual or the individual's family member.

GINA prohibits employers from requesting, requiring or purchasing an individual's or individual's family member's genetic information. However, one key exception pertaining to requests for medical information states, "Employers that inadvertently acquire genetic information pursuant to lawful requests for medical information will not violate Title II **if they direct the health care provider not to provide genetic information.**" Practically speaking, all workers compensation forms requesting medical information as well as any American's with Disabilities Act paperwork must specifically state the following:

#### ***The Genetic Information Nondiscrimination Act Notice***

*The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic Information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.*

If you have any questions or would like further information, please contact Cara Mia Londino, Esquire at East Coast Risk Management – 724-864-8745 or go to [www.EEOC.gov](http://www.EEOC.gov).

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