

West Virginia Executive Branch
Privacy Tip

Question:

Did you know that you cannot be discriminated against based on your family genetic history?

Answer:

The Genetic Information Nondiscrimination Act of 2008 (“GINA”) Pub. L. 110-233 (signed into law May 21, 2008) prohibits the improper use of genetic information in health insurance and employment.

- ❖ Group health plans and health insurers cannot deny coverage to a healthy individual or charge that person higher premiums based solely on a genetic predisposition to developing a disease in the future. Employers are barred from using individuals’ genetic information when making hiring, firing, job placement, or promotion decisions. The law prohibits insurers from requiring genetic testing, tying premiums to genetic information, or considering family history of genetic disorders in making underwriting and premium determinations.

- ❖ The GINA also requires that all genetic information be treated as protected health information under HIPAA.

GINA will become effective 18 months after May 21, 2008, (November 21, 2009) the date President Bush signed it into law.