

# Wellness Program Plan Document

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## School Employees' Benefits Board Program

Washington State Health Care Authority 2023

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# Wellness programs

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## Comprehensive wellness program established

This comprehensive wellness program is established. It is intended to comply with [45 CFR § 146.121 - Prohibiting discrimination against participants and beneficiaries based on a health factor](#). The comprehensive wellness program includes, but is not limited to, the following:

### Washington Wellness Worksite Designation Program (also known as SmartHealth Worksite Wellness Roadmap)

SEBB Organizations may participate in the Washington Wellness Worksite Designation Program administered by the HCA. The Washington Wellness Worksite Designation Program provides structure and technical and training assistance to SEBB Organizations developing internal worksite wellness programs for employees. Internal worksite wellness programs are referred to as Worksite Wellness Programs.

### SEBB health insurance wellness plan

The SEBB health insurance wellness plan is known as SmartHealth or the SEBB Wellness Incentive Program. This plan aligns with the Washington Wellness Worksite Designation Program. SmartHealth is intended to help employees and family members achieve their personal health and wellness goals. This includes efforts to reduce smoking rates.

### Tobacco use premium surcharge

The Tobacco use premium surcharge is an element of the comprehensive wellness program for School Employees. The surcharge is established by the Legislature in each biennial budget.

## Structure

The SmartHealth program and the Tobacco-Use premium surcharge are integrated components of SEBB medical insurance coverage. The Worksite Wellness Programs administered by SEBB Organizations are separate wellness programs that do not provide or pay for health or medical benefits.

## Effective date

This plan document is generally effective beginning on January 1, 2023.

# Comprehensive wellness program design

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## General

### Requirements

SEBB and HCA will determine the requirements for eligibility for SmartHealth and for completion of requirements for SmartHealth Incentives. The SmartHealth Incentives are set in the State of Washington and School Employees' Benefits Coalition agreement (collective bargaining agreement). The Legislature will set the financial value of the Tobacco-Use premium surcharge.

### Components

The SEBB Wellness Program contains both an Activity-Only Wellness Program component known as SmartHealth and an Outcome-Based Wellness Program component that is the Tobacco use premium surcharge.

### Administration of Worksite Wellness Programs

Individual SEBB Organizations administer Worksite Wellness Programs as Participatory Wellness Programs. SEBB Organizations must not offer Incentives that depend on medical examinations or on inquiries related to disabilities. Worksite Wellness Programs are subject to the Incentives limit described in [SEBB Policy 91-3 Washington Wellness Worksite Designation Program Incentive Requirements](#).

### FMLA, PFML, and USERRA leaves of absence

If a Subscriber goes on qualifying leave under the Family Medical Leave Act ("FMLA"), Washington Paid Family and Medical Leave ("PFML"), or the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), then, to the extent required by FMLA, PFML, or USERRA, as applicable, that Subscriber may continue to qualify for Incentives.

### Activity-only wellness program

The Activity-Only Wellness Program component of the Wellness Program is called SmartHealth. Under that component, Subscribers and Subscriber's spouse or State registered domestic partners enrolled in SEBB medical coverage can access an online wellness portal to complete a well-being assessment and track their involvement in wellness activities to earn points.

### Eligibility

- a) Subscribers and Subscriber's spouse or State registered domestic partners are eligible to participate in the SmartHealth program. They may access the SmartHealth wellness portal, take a well-being assessment, and participate and track their involvement in wellness activities on the SmartHealth wellness portal to earn points. However, only Subscribers are eligible to qualify for the SmartHealth Incentive based on their participation.
- b) Subscribers who waive enrollment in a SEBB medical plan may access the SmartHealth portal but cannot qualify for the SmartHealth Incentive. Wellness activities completed by an individual who is in waived status will count toward the SmartHealth Incentive if the individual later becomes a Subscriber in the same Plan Year.

- c) Dependents other than a Subscriber's spouse or State-registered domestic partner are not eligible to access or participate in the SmartHealth wellness program and are not eligible to qualify for SmartHealth Incentive(s).

## SmartHealth incentive deadlines

- a) To qualify for the SmartHealth Incentive of a reduction to the Subscriber's medical plan deductible or a deposit to the Subscriber's health savings account for the *following* Plan Year, eligible Subscribers must complete SmartHealth Incentive program requirements as described on the [SEBB SmartHealth webpage](#) by the latest applicable date below:
  - (i) For Subscribers continuing enrollment in SEBB medical from the previous Plan Year and Subscribers enrolling in SEBB medical with a Medical Effective Date in January through September the deadline is November 30 of the *current* Plan Year (for example, if the Subscriber's Medical Effective Date is March 1, the Subscriber must complete the SmartHealth Incentive program requirements by November 30 of that *same* Plan Year to qualify for the SmartHealth Incentive for the *following* Plan Year); or
  - (ii) For Subscribers enrolling in SEBB medical with a Medical Effective Date in October through December, the deadline is December 31 of the *current* Plan Year (for example, if the Subscriber's Medical Effective Date is October 1, the Subscriber must complete the SmartHealth Incentive program requirements by December 31 of that *same* Plan Year to qualify for the Incentive for the *following* Plan Year.
- b) Subscribers who do not complete the requirements according to the [SmartHealth incentive deadlines](#), or according to an alternative as described in this Plan, within the time limits described under [SmartHealth incentive deadlines](#), above are not eligible to qualify for SmartHealth Incentives.
- c) If a Subscriber has a "termination" (such as a transfer between SEBB Organizations, change in eligibility status (LWOP, COBRA), or retirement, etc.) in SEBB medical coverage for any reason causing a system termination record to be initiated, and then the Subscriber regains eligibility for SEBB medical coverage with a new Medical Effective Date, the deadline that applies will be based on the new Medical Effective Date.

## SmartHealth incentives and requirements

- a) To be eligible for a SmartHealth Incentive, all Subscribers must meet the requirements as explained below and on the [SEBB SmartHealth webpage](#), within the time limits described under [SmartHealth incentive deadlines](#), in this Plan document. Subscribers who do not meet the requirements within those time limits have not qualified for Incentives for the Plan Year.
- b) To qualify for the \$125 SmartHealth Incentive, eligible Subscribers described in [Eligibility](#) must complete the SmartHealth well-being assessment and earn at least 2,000 total points in SmartHealth by joining and tracking activities in SmartHealth. Only the Subscriber may qualify for the SmartHealth Incentive, and the subscriber must be enrolled (not waived) in a SEBB medical plan in the Plan Year in which the SmartHealth Incentive is distributed. Qualifying Subscribers enrolled in a high-deductible health plan (HDHP) qualify for a one-time deposit of \$125 into the Subscriber's health savings account the following Plan Year. All other qualifying Subscribers qualify for a \$125 reduction to the Subscriber's medical deductible the following Plan Year.

- c) Only Subscribers may qualify for SmartHealth Incentives, and Subscribers must be enrolled (not waived or ineligible) in a SEBB medical plan in the Plan Year in which the Incentive is distributed.
- d) Subscribers who qualify for the SmartHealth Incentive may only qualify for the Incentive if it is otherwise available in accordance with the **Conditions for incentives** and other provisions of this Plan. A Subscriber cannot qualify for the SmartHealth Incentive more than once each Plan Year.

## Timelines for incentives

Incentives provided by the SEB Program are available to all similarly situated individuals once each Plan Year.

Each Plan Year, the SEBB Program will determine whether a Subscriber completed the requirements to qualify for an Incentive during the previous Plan Year and whether the Subscriber met the other eligibility requirements in **WAC 182-31-390**.

## Alternatives

Eligible Subscribers described under program **Eligibility** can qualify for SmartHealth Incentives. Subscribers for whom the activities are unreasonably difficult because of a medical condition or are medically inadvisable may be able to qualify for the same Incentive by different means. The Portal Administrator will work with Subscribers to define an individual wellness program that provides the opportunity to qualify for the same SmartHealth Incentive in light of the Subscriber's health status. The recommendations of the Subscriber's personal physician will be accommodated. **SEBB Policy 91-1: Requesting a reasonable alternative for completing wellness incentive program requirements or avoiding the tobacco use premium surcharge** explains the process for requesting an alternative.

## Appeals procedure

- a) Subscribers may appeal a decision by the Portal Administrator regarding their completion of the requirements for a SmartHealth Incentive offered under the SmartHealth wellness program, or regarding a request for an alternative to a SmartHealth Incentive requirement. First and Second appeals must be made to the Portal Administrator. If both the first and second appeals are denied, Subscribers may appeal a decision by the Administrator to the SEBB Program.
- b) Subscribers may appeal a decision by the SEBB Program concerning eligibility to participate in the SmartHealth wellness program or qualify for an Incentive under the program. Such appeals must be made to the SEBB Program.
- c) **File an appeal: SEBB** and **Chapter 182-32 WAC** explain the process for appealing these decisions, including deadlines.

## Conditions for SmartHealth Incentives

The SEB Program will provide a SmartHealth Incentive only if all the following apply:

- a) The Subscriber is still eligible for the SmartHealth Incentive program in the Plan Year the Incentive applies;
- b) The funding rate provided by the legislature is designed to provide a SmartHealth Incentive program or a SmartHealth Incentive, or both;
- c) Specific appropriations are provided for SmartHealth Incentives; and
- d) The Subscriber meets all requirements for the SmartHealth Incentive.



## Outcome-based wellness program

### Eligibility

The Tobacco use premium surcharge applies to all Subscribers, Subscriber's spouse or State registered domestic partners, and Dependents.

### Requirements

- a) If a Subscriber attests to their own or their spouse or State registered domestic partner's or their Dependent's use of Tobacco products, or if the Subscriber fails to attest to no use of Tobacco products in accordance with [WAC 182-30-050\(1\)](#), the Subscriber will pay the Tobacco use premium surcharge. The surcharge will be collected from Subscribers during each month of the Plan Year. The SEBB Program will charge only one Tobacco use premium surcharge per account, regardless of the number of people who use Tobacco products and are enrolled on the Subscriber's account.
- b) A Subscriber may avoid paying the Tobacco use premium surcharge by attesting on the prescribed form by either paper or SEBB My Account that neither the Subscriber, nor the Subscriber's spouse or State registered domestic partner, nor any Dependents use Tobacco products, or attesting that all Tobacco products users have enrolled in a qualified tobacco-cessation program. Subscribers may submit attestations to the SEBB Program anytime during the Plan Year. An attestation is effective the month after the SEBB Program receives it.
- c) A Subscriber may also avoid paying the Tobacco use premium surcharge if the Tobacco products user contacts the SEBB Program to request an alternative in accordance with the provisions in below in the [Alternatives](#) section and complies with the agreed alternative.

### Alternatives

A Subscriber may avoid paying the Tobacco use premium surcharge if the Tobacco products user joins a tobacco cessation program prescribed by the Program or ceases using Tobacco products. In some cases, a Subscriber's, Subscriber's spouse or State registered domestic partner's, or Dependent's primary care physician might have health-related concerns about joining a tobacco cessation program or ceasing use of Tobacco products. In that case, the Subscriber, Subscriber's spouse or State registered domestic partner, or Dependent may submit to the SEBB Program documentation from that physician stating that a tobacco cessation program is not medically appropriate and containing a recommended alternative. The SEBB Program cannot independently seek this information from the physician. The SEBB Program will provide a reasonable alternative standard that accommodates the recommendations of the physician with regard to medical appropriateness. The procedures are in [SEBB Policy 91-1: Requesting a reasonable alternative for completing wellness incentive program requirements or avoiding the tobacco use premium surcharge](#) For more information, call the SEBB Program at 1-800-200-1004.

### Appeals procedure

- a) Subscribers may appeal a decision by the Administrator regarding the Tobacco use premium surcharge. Such appeals must be made to the Administrator. After that appeal, Subscribers may appeal a decision by the Administrator to the SEBB Program.
- b) Subscribers may appeal a decision by the SEBB Program concerning Tobacco use premium surcharge. Such appeals must be made to the SEBB Appeals Unit.

- c) **File an appeal:** SEBB and **Chapter 182-32 WAC** explain the process for appealing these decisions, including deadlines.

## Participatory wellness program

The Participatory Wellness Program component of the comprehensive wellness program is the Worksite Wellness Program. SEBB Organizations administer this program internally. The Washington Wellness Worksite Designation Program at HCA provides structure and technical and training assistance to SEBB Organizations involved in developing a Worksite Wellness Program for employees.

## Eligibility

School Employees employed by a SEBB Organization who are eligible under **WAC 182-31-040** or **182-31-130** can participate in the Worksite Wellness Program.

## Design requirements

- a) The program must provide eligible employees a reasonable chance of improving health or preventing disease.
- b) The program must be available to all similarly situated employees.
- c) Eligible employees with disabilities must have equal access to program benefits and greater obligations cannot be imposed upon them to obtain equal benefits.
- d) The program cannot be overly burdensome, cannot be a subterfuge for violating the ADA or other laws prohibiting employment discrimination, and cannot be highly suspect in the method chosen to promote health or prevent disease.
- e) The program cannot conduct medical examinations or disability-related inquiries.

## Incentive requirements

SEBB Organizations may develop their own requirements for qualifying for Incentives, except that the requirements to qualify for the Incentive cannot be based on a participant's satisfaction of a standard related to a Health Factor and cannot require a participant to disclose results from medical exams or physical or mental capacity exams.

## Incentive limit

Incentives under the program are subject to the limit described in **SEBB Policy 91-3 Washington Wellness Worksite Designation Program Incentive Requirements**.

## Alternatives

SEBB Organizations must provide reasonable accommodations (modifications or adjustments) to enable employees with disabilities to have equal benefits and privileges of employment, which includes participation in employee wellness programs. Employees should contact their SEBB Organizations directly for more information on requesting reasonable alternatives to organizational-specific wellness options.

## Appeals

Eligible employees may appeal a decision regarding the Incentive by following the appeals process established by their employing SEBB Organizations.

## **Worksite Wellness incentives**

### **SEBB Policy 91-3 Washington Wellness Worksite Designation Program Incentive Requirements**

states the requirements and standards for worksite wellness Incentives.

## Record-keeping and administration

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The SEBB Program owns and will maintain all records related to the SmartHealth Program in accordance with appropriate state and federal laws, such as the Washington Public Records Act and HIPAA. Each SEBB Organization owns and will maintain all records relating to the Worksite Wellness Program at that SEBB Organization.

## General provisions

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The headings throughout this document are inserted for convenience of reference. They are not part of this Wellness Program. They do not indicate or control the meaning or construction of any provisions.

### Which provisions control

If SEBB resolutions, SEBB program policies, state law or rule, or federal law or rule conflict with this document, those resolutions, policies, laws, and rules will control.

### No contract of employment

Nothing contained in this document is intended as a contract or other arrangement between a Subscriber, Subscriber's spouse or State registered domestic partner, Dependent, or other dependent of a Subscriber and a SEBB Organization, guaranteeing employment or health benefits for any specific period. This document will not be construed as a guarantee of employment and does not amend or modify any employment or other agreements between a SEBB Organization and a Subscriber, Subscriber's spouse or State registered domestic partner, Dependent, or other dependent of a Subscriber whether entered before or after the effective date of the Wellness Program or this document.

### No contract of continuous coverage

Nothing contained in this document is intended as a contract or other arrangement between the SEBB Program and a Subscriber, Subscriber's spouse or State registered domestic partner, or other Dependent of a Subscriber receiving coverage for any specific period. Moreover, a Subscriber, Subscriber's spouse or State registered domestic partner, or Dependent receiving continuation coverage (as defined in [WAC 182-30-020](#)) must still comply with any governing provisions of state and federal law.

### Amendment and termination

- a) The continuation of this Wellness Program is dependent on funding from the Washington State Legislature. The value of any Incentives under the Wellness Program depends on funding from the Washington State Legislature. Only the Washington State Legislature may adjust the Incentive amounts under the Wellness Program.
- b) Without providing prior notice to SEBB members, either the SEB Board or the Washington State Legislature may change the terms and conditions for qualifying for an Incentive under the Wellness Program.

### Governing law

This Wellness Program will be construed, administered, and enforced according to the laws and regulations of the state of Washington, to the extent not superseded by the Internal Revenue Code of 1986, the Public Health Service Act of 1944, HIPAA, ADA, other federal law, or any rules promulgated under these authorities.

### Reimbursement

- a) If a Subscriber qualifies for any Incentives improperly from the SEB Program through the SmartHealth program, the Subscriber must promptly reimburse the SEBB Program for the improper Incentive.

- b) Subscribers who believe they are entitled to Incentives that were not provided may contact either the SEBB Program or the Portal Administrator directly for assistance or appeal under WAC chapter 182-32.
- c) If an eligible employee receives any Incentives improperly from the employing SEBB Organization through the Worksite Wellness Program, the Subscriber must promptly reimburse the SEBB Organization for the improper Incentive.

## **Non-assignability of Incentives**

Subscribers or eligible employees under the Worksite Wellness Program may not assign Incentives to other people. Any attempt to assign an Incentive will not be recognized, except to the extent required by law.

## **Severability**

If any court of appropriate jurisdiction declare any part of this document void, such declaration will have no effect on the remaining parts.

## Definitions

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Unless otherwise defined and unless the context clearly requires otherwise, capitalized terms appearing in this document have the following meanings, and singular forms and plural forms have corresponding meanings:

### **Activity-only wellness program**

A Health-Contingent Wellness Program that requires Subscribers to perform or complete an activity related to a Health Factor to obtain an Incentive but does not require Subscribers to attain or maintain a specific health outcome.

### **ADA**

The Americans with Disabilities Act of 1990 and regulations codified in 28 CFR parts 35 and 36.

### **COBRA**

The Consolidated Omnibus Budget Reconciliation Act of 1985, as amended, and regulations under it.

### **HCA**

The Washington State Health Care Authority.

### **Health Care Authority or HCA**

The state agency that administers the Washington Wellness Program. The HCA is responsible for oversight of the Portal Administrator and ensuring applicable statewide Incentives are offered. Should Subscribers qualify for Incentives, the Incentives will be provided to Subscribers as outlined in this document. The HCA is not responsible for Incentives offered at individual organizations or programs administered through other state agencies.

### **Health-Contingent Wellness Program**

A program that requires an individual to satisfy a standard related to a Health Factor to obtain an Incentive, or that requires an individual to undertake more than a similarly situated individual based on a Health Factor to obtain the same Incentive. A Health-Contingent Wellness Program may be an Activity-Only Wellness Program or an Outcome-Based Wellness Program.

### **Health factor**

In relation to an individual, any of the following health-status-related factors: health status, medical condition (including both physical and mental illnesses), claims experience, receipt of health care, medical history, genetic information, evidence of insurability, or disability.

### **HIPAA**

The Health Insurance Portability and Accountability Act of 1996, and regulations adopted under it.

### **Incentive**

Premium discounts (such as avoiding paying the Tobacco use premium surcharge), rebates, or modification of otherwise applicable cost-sharing amounts (including copayments, deductibles, or coinsurance) so long as certain conditions are satisfied. Incentives may be cash or non-cash rewards (such

as gift cards) and may be unrelated to a health plan or benefit. An incentive may take the form of obtaining a reward or avoiding a penalty. Incentives may also be referred to as rewards in this document.

## **Medical effective date**

The date the Subscriber's SEBB medical insurance coverage became effective.

## **Non-spouse or SRDP dependent**

A Subscriber's dependent who is enrolled in a SEBB medical plan as a dependent of the Subscriber, is not a spouse or state-registered domestic partner, and is at least 13 years old.

## **Outcome-based wellness program**

A Health-Contingent Wellness Program that requires Subscribers to attain or maintain a specific health outcome to obtain an Incentive, or that requires Subscribers to comply with an educational program or activity related to the specific health outcome to obtain an Incentive.

## **Participatory wellness program**

A wellness program that does not condition eligibility for an Incentive on a participant's satisfaction of a standard related to a Health Factor.

## **Plan year**

The calendar year beginning January 1 and ending on December 31.

## **Portal Administrator**

The contracted vendor that administers the virtual wellness portal and provides access to activities in the portal that can be completed for Subscribers to qualify for SmartHealth Incentives through the Washington Wellness Program. At the time of this document's publication, the contracted vendor is Limeade.

## **RCW**

The Revised Code of Washington.

## **School Employee**

All employees of school districts and charter schools established under [Chapter 28A.710 RCW](#); Represented employees of educational service districts; and Effective January 1, 2024, all employees of educational service districts.

## **SEBB or SEB Board**

The school employees' benefits board established in [RCW 41.05.740](#).

## **SEBB Organization**

A public school district or educational service district or charter school established under [Chapter 28A.710 RCW](#) that is required to participate in benefit plans provided by the school employees' benefits board.



## SEBB Program

The program within the HCA that administers insurance and other benefits for eligible employees (as defined in [WAC 182-31-040](#)) and eligible dependents (as defined in [WAC 182-31-140](#)).

## SEBB wellness program

The SEBB Program's non-discriminatory wellness program, as described in [45 CFR § 146.121 - Prohibiting discrimination against participants and beneficiaries based on a health factor](#), that contains both an Activity Only Wellness Program component known as SmartHealth, and an Outcome-Based Wellness Program component known as Tobacco use premium surcharge.

## SmartHealth Incentive

This includes the \$125 SmartHealth Incentive available to eligible Subscribers described in the Activity-only Wellness Program section of this document, and any other Incentives available to eligible Subscribers through the PEB Program which can be qualified for using the SmartHealth Portal.

## State registered domestic partner

State registered domestic partner has the same meaning as defined in [RCW 26.60.020\(1\)](#) and substantially equivalent legal unions for other jurisdictions as defined in [RCW 26.60.090](#).

## Subscriber

Any SEBB Subscriber as defined in [WAC 182-30-020](#).

## Tobacco product

Any product made with or derived from tobacco that is intended for human use, including any component, part, or accessory of a Tobacco Product. This includes, but is not limited to, cigars, cigarettes, pipe tobacco, chewing tobacco, and snuff. It does not include e-cigarettes or United States Food and Drug Administration (FDA)-approved quitting aids.

## Tobacco use

Any use of Tobacco Products within the past two months. Tobacco use, however, does not include the religious or ceremonial use of tobacco.

## WAC

The Washington Administrative Code.

## Year

The calendar year from January 1 through December 31.


## Entire Plan

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This Comprehensive Wellness Program plan document and the documents incorporated by reference herein shall constitute the only legally governing documents for the Comprehensive Wellness Program. All statements made by the employer or the SEBB Program shall be deemed representations and not warranties. No communication shall amend or modify the terms of this Wellness Program plan document unless in writing signed by the SEBB Program.

IN WITNESS THEREOF, the Health Care Authority has caused this instrument to be executed by its duly authorized officer as of the date shown below, to be effective as of January 1, 2023.

THE WASHINGTON STATE HEALTH CARE AUTHORITY

By: 

Dave Iseminger, Director of the SEBB Program

Date: January 24, 2023