



What GINA Does Not Do

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

Table of Contents

What GINA Does Not Do	3
-----------------------------	---

What GINA Does Not Do

Reference Number: MTAS-1943

These provisions do not:

- Prohibit medical underwriting based on current health status.
- Mandate coverage for any medical tests or treatments.
- Subject employers to remedies and procedures that are any different from those in other civil rights laws such as Title VII.
- Apply to employers with fewer than 15 employees.
- Apply to members of the military.
- Cover an individual's manifested disease or condition from which an individual is experiencing symptoms; however, it does protect information about disease in an individual's family members such as family history.
- Interfere with an employee's ability to qualify for FMLA or similar leave statutes. Hinder an employer-sponsored wellness program or other genetic services offered by an employer.
- Interfere with an employer's ability to offer a safe and hazard free workplace.
- Preempt state law; therefore, some state's discrimination laws provide greater protection.
- Prevent a health insurer from using information about an existing condition, even if that condition has a genetic basis (i.e., breast cancer diagnosis). The insurer may need family history to approve certain procedures and testing but the information cannot be used against the individual for purposes of rate increases or cancellations/reductions in coverage.
- Restrict the practice of medicine or the authority of healthcare professionals, whether or not they are affiliated with a health plan, issuer, or employer.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

Source URL (retrieved on 07/05/2020 - 4:22am): <http://www.mtas.tennessee.edu/reference/what-gina-does-not-do>



Municipal Technical Advisory Service
INSTITUTE for PUBLIC SERVICE