

HEREDITARY CANCER GENETIC TESTING: Is Discrimination a Real Concern?

What is genetic discrimination?

Genetic discrimination occurs if people are treated unfairly because of differences in their DNA that increase their chances of getting a certain disease. Generally people may worry about their genetic information affecting their health insurance and employment.

There are no well-documented cases of genetic discrimination.

The fact is that hundreds of thousands of people have had genetic testing for hereditary cancer risk and there are no well-documented cases of genetic discrimination.

Genetic health information has strong legal protections.

Both state and federal governments recognize the value of genetic information to patients and doctors and have put specific legal protections in place. In May of 2008, the Genetic Information Nondiscrimination Act or GINA, was signed into law and will add to the already strong legal protections that are in place on both the state and federal levels. GINA is a new federal law that protects Americans from being treated unfairly because of differences in their DNA that may affect their health. This new law prevents discrimination from health insurers and employers.

Effective May 2009, GINA prohibits:

- The use of an individual's genetic information in setting eligibility, premium or contribution amounts by group and individual health insurers.
- Health insurers from requesting or requiring an individual or family member to undergo a genetic test or requesting, requiring or purchasing genetic information.

Effective November 2009, GINA prohibits:

- The use of an individual's genetic information by employers in employment decisions such as hiring, firing, job assignments and promotions.
- Employers from requesting, requiring or purchasing genetic information about an individual employee or family member.

GINA adds to the already strong legal protections that are in place on both the state and federal levels in regards to genetic information. Currently the Health Insurance Portability and Accountability Act (HIPAA), the Americans with Disabilities Act (ADA) and additional laws in most every state protect people from various forms of health insurance and employment discrimination based on genetic information. For more information about how these laws apply to you, go to the National Human Genome Research Institute at: <http://www.genome.gov/PolicyEthics/LegDatabase/pubMapSearch.cfm>

Protecting your genetic information is a priority.

Myriad Genetic Laboratories will not release test results to anyone other than the ordering or designated healthcare provider without YOUR written consent. Insurance plans representing about 200 million lives agree with this policy. They understand that genetic test results help you and your doctor determine the best plan of action to prevent cancer or detect it at any early, treatable stage.