



HR & BENEFITS UPDATE

New American Academy of Pediatrics Report Urges Early Childhood Obesity Treatment

January 25, 2010

New American Academy of Pediatrics recommendations calling for early intervention and intensive behavioral therapy to treat childhood obesity promise are likely to increase demands for employer sponsored and other health plans to reimburse the costs of these treatments.

With obesity among American children and adults already at epidemic levels, and childhood obesity having increased three to six-fold and continuing to rise, businesses, health care providers and insurers increasingly are focusing on opportunities for prevention and treatment of obesity generally and childhood obesity specifically.

A reported 12% to 18% of 2-to 19-year-old children and adolescents reportedly already are obese childhood and adolescent obesity having increased three to six fold, employers, health care providers and government leaders increasingly see the need to address childhood obesity both to mitigate existing health and expense concerns today and to slow the anticipated tide of further projected significant increases in adult obesity rates and costs in the future.

Based on a study of these trends, the American Academy of Pediatrics US Preventive Services Task Force (USPSTF) is recommending that clinicians screen children aged 6 years and older for obesity and offer them or refer them to comprehensive, intensive behavioral interventions to promote improvement in weight status. The recommendation reported in the USPSTF's *Screening for Obesity in Children and Adolescents: US Preventive Services Task Force Recommendation Statement*" available [here](#) updates the 2005 USPSTF statement.

With health care providers and government officials increasingly emphasizing the need for prevention and intervention, employers and health insurers face greater pressure to offer health benefit coverage for weight management and other obesity prevention and treatment. Aside from determining what treatments to coverage generally, recent changes in the Americans With Disabilities Act statute and its enforcement and interpretation by the Equal Employment Opportunity Commission, the recently effective employment and health plan nondiscrimination rules of the Genetic Information and Nondiscrimination Act, health information and other privacy rules and other legal changes make the appropriate design and administration of obesity and other wellness, disease management and other programs targeting obesity or other chronic conditions legally and operationally challenging. Employers and insurers concerned with these issues should exercise care to properly understand and appropriately manage the legal and operational complexities, risks, costs and benefits when designing health and other programs to manage health care, disability and other costs of obesity and other chronic diseases.

If you have questions about wellness, disease management or other health and wellness benefit, disability prevention and management, or other employee benefit, employment, compensation, workplace health and safety, corporate ethics and compliance practices, concerns or claims,

please contact the author of this article, Curran Tomko Tarski LLP Labor & Employment Practice Group Chair Cynthia Marcotte Stamer.

Chair of the American Bar Association (ABA) RPTE Employee Benefits & Other Compensation Group, an ABA Joint Committee on Employee Benefits Council Member, Past Chair of the ABA Managed Care & Insurance Group and RPTE Welfare Benefits Committee and Board Certified in Labor & Employment Law by the Texas Board of Legal Specialization, Ms. Stamer is experienced advising and assisting government leaders, employers, health and other employee benefit plans and their fiduciaries, insurers, financial advisory services, and administrators, health care providers, and others about obesity and other disease management and wellness programs, as well as other related employee benefit and employment matters. A widely published author on these and other health and disability benefit and management concerns, Ms. Stamer has advised and represented employers, health plans and others on these and other matters for more than 20 years. Author of the Personal Health Care Toolkit, Ms. Stamer also has lead the development of wellness and disease management initiatives for the National Kidney Foundation of North Texas and other organizations. Ms. Stamer also speaks and writes extensively on these and other related matters. For additional information about Ms. Stamer and her experience, see [here](#) or to access other publications by Ms. Stamer see [here](#) or contact Ms. Stamer directly. For additional information about the experience and services of Ms. Stamer and other members of the Curran Tomko Tarski LLP team, see [here](#).

Other Information & Resources

We hope that this information is useful to you. If you or someone else you know would like to receive future updates about developments on these and other concerns, please be sure that we have your current contact information – including your preferred e-mail – by creating or updating your profile [here](#) or e-mailing this information [here](#) or registering to participate in the distribution of our Solutions Law Press HR & Benefits Update distributions [here](#). Some other recent updates that may be of interested include the following, which you can access by clicking on the article title:

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