

Amendment to the Mid-East Career and Technology Centers Employee Group Health Plan, Effective April 12, 2004

This Amendment is intended to bring the Mid-East Career and Technology Centers **Employee Group Health Plan** (hereinafter "**GHP**" or "**Plan**") into compliance with the requirements of § 164.504(f) of the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations, 45 C.F.R. parts 160 through 164 (the regulations are referred to herein as the "HIPAA Privacy Rule" and § 164.504(f) is referred to as the "504" provisions") by establishing the extent to which the Plan Sponsor will receive, use and/or disclose Protected Health Information. Accordingly, the Plan is hereby amended as follows:

I. GHP's Designation of Person/Entity to Act on its Behalf

The Plan has determined that it is a group health plan within the meaning of the HIPAA Privacy Rule, and the Plan designates the **Mid-East Career and Technology Centers** to take all actions required to be taken by the GHP in connection with the HIPAA Privacy Rule (*e.g.*, entering into business associate contracts; accepting certification from the Plan Sponsor).

II. Definitions

All terms defined in the HIPAA Privacy Rule, shall have the meaning set forth therein. The following additional definitions apply to the provisions set forth in this Amendment.

- A. **Plan** (also referred to as "GHP") means the **Mid-East Career and Technology Centers Group Health Plan**.
- B. **Plan Documents** mean the GHP's governing documents and instruments (*i.e.*, the documents under which the GHP was established and is maintained), including but not limited to the **Mid-East Career and Technology Centers Group Health Plan Document**. [*Insert name of the document.*]
- C. **Plan Sponsor** means "Plan Sponsor" as defined at section 3(16)(B) of ERISA, 29 U.S.C. § 1002(16)(B). The Plan Sponsor is **Mid-East Career and Technology Centers**.

III. The GHP's disclosure of Protected Health Information to the Plan Sponsor – Required Certification of Compliance by Plan Sponsor

- A. **Except as provided below with** respect to the GHP's disclosure of summary health information, the GHP will (a) disclose Protected Health Information to the Plan Sponsor or (b) provide for or permit the disclosure of Protected Health Information to the Plan Sponsor by a health insurance issuer or Business Associate with respect to the GHP, *only if* the GHP has received a certification (signed on behalf of the Plan Sponsor) that:
 - 1. the Plan Documents have been amended to establish the permitted and

required uses and disclosures of such information by the Plan Sponsor, consistent with the "504" provisions;

2. the Plan Documents have been amended to incorporate the Plan provisions set forth in this Amendment; and
3. the Plan Sponsor agrees to comply with the Plan provisions as modified by this Amendment.

IV. Permitted disclosure of individuals' Protected Health Information to the Plan Sponsor

- A. The GHP (and any business associate acting on behalf of the GHP), or any health insurance issuer servicing the GHP will disclose individuals' Protected Health Information to the Plan Sponsor only to permit the Plan Sponsor to carry out plan administration functions. Such disclosure will be consistent with the provisions of this Amendment.
- B. All disclosures of the Protected Health Information of the GHP's individuals by the GHP's business associate or health insurance issuer, to the Plan Sponsor will comply with the restrictions and requirements set forth in this Amendment and in the "504" provisions.
- C. The GHP (and any business associate acting on behalf of the GHP), may not permit a health insurance issuer, to disclose individuals' Protected Health Information to the Plan Sponsor for employment-related actions and decisions in connection with any other benefit or employee benefit plan of the Plan Sponsor.
- D. The Plan Sponsor will not use or further disclose individuals' Protected Health Information other than as described in the Plan Documents and permitted by the "504" provisions.
- E. The Plan Sponsor will ensure that any agent(s), including a subcontractor, to whom it provides individuals' Protected Health Information received from the GHP (or from the GHP's business associate or health insurance issuer), agrees to the same restrictions and conditions that apply to the Plan Sponsor with respect to such Protected Health Information.
- F. The Plan Sponsor will not use or disclose individuals' Protected Health Information for employment-related actions and decisions or in connection with any other benefit or employee benefit plan of the Plan Sponsor.
- G. The Plan Sponsor will report to the GHP any use or disclosure of Protected Health Information that is inconsistent with the uses or disclosures provided for in the Plan Documents (as amended) and in the "504" provisions, of which the Plan Sponsor becomes aware.

V. Disclosure of individuals' Protected Health Information – Disclosure by the Plan Sponsor

- A. The Plan Sponsor will make the Protected Health Information of the individual who is the subject of the Protected Health Information available to such individual in accordance with 45 C.F.R. § 164.524.
- B. The Plan Sponsor will make individuals' Protected Health Information available for amendment and incorporate any amendments to individuals' Protected Health Information in accordance with 45 C.F.R. § 164.526.
- C. The Plan Sponsor will make and maintain an accounting so that it can make available those disclosures of individuals' Protected Health Information that it must account for in accordance with 45 C.F.R. § 164.528.
- D. The Plan Sponsor will make its internal practices, books and records relating to the use and disclosure of individuals' Protected Health Information received from the GHP available to the U.S. Department of Health and Human Services for purposes of determining compliance by the GHP with the HIPAA Privacy Rule.
- E. The Plan Sponsor will, if feasible, return or destroy all individuals' Protected Health Information received from the GHP (or a business associate or health insurance issuer with respect to the GHP) that the Plan Sponsor still maintains in any form after such information is no longer needed for the purpose for which the use or disclosure was made. Additionally, the Plan Sponsor will not retain copies of such Protected Health Information after such information is no longer needed for the purpose for which the use or disclosure was made. If, however, such return or destruction is not feasible, the Plan Sponsor will limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible.
- F. The Plan Sponsor will ensure that the required adequate separation, described in paragraph VII below, is established and maintained.

VI. Disclosures of Summary Health Information and Enrollment and Disenrollment Information to the Plan Sponsor

- A. The GHP, or a business associate or health insurance issuer with respect to the GHP, may disclose summary health information to the Plan Sponsor without the need to amend the Plan Documents as provided for in the "504" provisions, if the Plan Sponsor requests the summary health information for the purpose of:
 - 1. Obtaining premium bids from health plans for providing health coverage under the GHP; or
 - 2. Modifying, amending, or terminating the GHP.
- B. The GHP, or a business associate or health insurance issuer with respect to the GHP, may disclose enrollment and disenrollment information to the Plan

Sponsor without the need to amend the Plan Documents as provided for in the "504" provisions.

VII. Required separation between the GHP and the Plan Sponsor

- A. In accordance with the "504" provisions, this section describes the employees or classes of employees or workforce members under the control of the Plan Sponsor who may be given access to individuals' Protected Health Information received from the GHP or from a business associate or health insurance issuer servicing the GHP. (Classes may include, for example:
Analyst/Administrators; Service Personnel; Information Technology Personnel; Clerical Personnel; Supervisors/Managers; Quality Assurance Unit)
- 1. Treasurer**
 - 2. Superintendent**
 - 3. Treasurer's Office Personnel**
 - 4. District Administrative Office Personnel**
- B. This list reflects the employees, classes of employees, or other workforce members of the Plan Sponsor who receive individuals' Protected Health Information relating to payment under, health care operations of, or other matters pertaining to plan administration functions that the Plan Sponsor provides for the GHP. These individuals will have access to individuals' Protected Health Information solely to perform these identified functions, and they will be subject to disciplinary action and/or sanctions (including termination of employment or affiliation with the Plan Sponsor) for any use or disclosure of individuals' Protected Health Information in violation of, or noncompliance with, the provisions of this Amendment.
- C. The Plan Sponsor will promptly report any such breach, violation, or noncompliance to the GHP and will cooperate with the GHP to correct the violation or noncompliance, to impose appropriate disciplinary action and/or sanctions, and to mitigate any deleterious effect of the violation or noncompliance.