

AMENDMENT TO:

Group Name:
Employer Identification Number:
Plan Number:
Group Number:

BENEFITS PLAN AMENDMENT

IT IS UNDERSTOOD AND AGREED THAT:

The following provision is added to the General Provisions section of the plan:

PRIVACY

The *employer*, who is the sponsor of this *plan*, will receive protected health information. The information may be identified to the individual in some cases. The *employer* is limited in how it may use this information. Its uses and disclosures must be necessary to carry out *plan* functions. The *plan* functions must relate to payment or health care operations, as defined in 45 CFR Subtitle A, Subchapter C, Part 164 - Security and Privacy. It may also use or disclose the information as required by law.

Prior to receiving any protected health information the *employer* must certify to the *plan* that it agrees to:

1. Not use or disclose the information, except as stated above;
2. Require that any agent or subcontractor of the *employer* agree to the same limits that apply to the *employer* prior to giving the information to them;
3. Not use or disclose the information for employment related decisions or actions;
4. Not use or disclose the information in connection with other benefit plans the *employer* may sponsor;
5. Report to the *plan* any use or disclosure that does not comply with this General Provision;
6. Make the information available for review by the person that it relates to;
7. Make the information available for amendment and include any amendments with the it;
8. Provide the necessary information to give an accounting of disclosures;
9. Make its internal practices, books and records in relation to the information open for review by the Secretary of Health and Human Services;
10. Return or destroy all information when it is no longer needed. If that is not possible, limit any further use or disclosure to the reason it was not possible to return or destroy it;
11. Maintain adequate separation between the *plan* and itself. Access to the information will be limited to members of the *employer's* Human Resources and Finance Departments that work with the *plan*. These individuals will receive the minimum necessary information to carry out the *plan* functions they perform; and
12. Provide an effective process to address non-compliance by the *employer* or its agents or subcontractors.

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