



VILLAGE OF BLOOMINGDALE (as "Plan Sponsor")
PLAN DOCUMENT AMENDMENT
To the
GROUP HEALTH PLAN

The Plan Sponsor hereby adopts this Plan Document Amendment that will be attached to and incorporated into any and all Plan Documents maintained for the Group Health Plan, regardless of the format or title of those Plan Documents.

All of the terms and conditions stated in the Plan Document continue in effect unless specifically changed by the terms of this Amendment. This change in no way affects any benefits, or other the terms defined in the Plan Document(s).

Plan Sponsors who receive Protected Health Information are subject to the federal privacy rule under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), amended by the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), as described below. The term Plan Sponsor in this Amendment includes any Third Party Administrator or Service Provider who is under contract as a Business Associate of the Plan Sponsor to complete assigned tasks related to Plan Administration.

Protected Health Information ("PHI") means: information that is created or received by the Plan Sponsor and relates to the past, present, or future physical or mental health or condition of any participant; or, the provision of health care to a participant; or the past, present, or future payment for the provision of health care to a participant; and that identifies the participant. The test is whether there is a reasonable basis to believe the information can be used to identify the participant. PHI includes information of persons living or deceased. PHI as used in this document includes data that is transmitted or stored electronically.

Access To PHI: The Plan Sponsor's access to PHI is restricted to the minimum information necessary to administer the Benefit Plan. This limits your Employer's access to Participant elections and enrollment for payroll and Benefit Plan administration, and in some instances access to PHI that was submitted for claims reimbursement when that claim is on an appeal from an adverse decision. All persons who have access are trained in the federal privacy and security rule.

Permitted And Required Uses And Disclosures Of PHI By The Plan Sponsor: The Plan Sponsor can only use and disclose PHI for plan administration functions as permitted and required by this Amendment, or as required by law. The Plan Sponsor will not use or disclose PHI for employment-related actions or in connection with any other employee benefit plan. When necessary, the Plan Sponsor will disclose the PHI to consultants and experts as required by the Department Of Labor for a full and fair review or to perform plan non-discrimination testing as required by law. All other disclosures of PHI will only be made pursuant to a valid authorization from the Participant that meets the requirements of 45 CFR §164.508.

The Plan Sponsor, on behalf of the Plan, may disclose Summary Health Information for the purpose of obtaining premium bids from health plans for providing health insurance or modifying, amending or terminating the Plan. Summary Health Information means information that summarizes claims history and expenses which meets the federal requirements that remove all data fields that can be used to identify an individual participant.

Complaints: If a Participant has any complaints regarding the way that the Plan Sponsor has handled PHI they can complain to the Plan Sponsor. No response from the Plan Sponsor is required. The Plan Sponsor will keep a copy of the complaint, applicable documentation, and disposition if any, for a period of 6 years from the end of the plan year in which the act occurred.



No Retaliation: No Employer will intimidate, threaten, coerce, discriminate against, or take other retaliatory action against Participants for exercising their rights, filing a complaint, participating in an investigation, or opposing any improper practice under the federal Privacy Rule.

Firewall: The Plan Sponsor will implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information that it creates, receives, maintains, or transmits on behalf of the group health plan; and ensure that any agent, including a subcontractor, to whom it provides this information agrees to implement reasonable and appropriate security measures to protect the information.

Plan Sponsor will: 1) Ensure that any subcontractors or agents to whom the Plan Sponsor provides PHI agree to the same restrictions described above, 2) record and respond to any use or disclosure that is inconsistent with this Plan Document or the federal Privacy Rule, 3) make the PHI information accessible to the Participants, 4) allow Participants to amend their PHI, 5) provide an accounting of its disclosures of PHI as required by the Privacy Rule, 6) make its practices available to the Secretary for determining compliance, and, 7) return and destroy all PHI when no longer needed, if feasible.

The Federal Security Rule: This Term is intended to bring the Plan into compliance with the "HIPAA Security Rule" as published on February 20, 2003 by the United States Department of Health and Human Services (HHS), and amended, including the final Security Standards under the Health Insurance Portability and Accountability Act of 1996 and the HITECH Act (Health Information Technology for Economic and Clinical Health Act) of 2009.

The Electronic Media contemplated by the HIPAA Security Rule includes:

- (1) Electronic storage media including memory devices in computers (hard drives) and any removable/transportable digital memory medium, such as magnetic tape or disk, optical disk, or digital memory card; or
- (2) Transmission media used to exchange information already in electronic storage media. Transmission media include, for example, the internet (wide-open), extranet (using internet technology to link a business with information accessible only to collaborating parties), leased lines, dial-up lines, private networks, and the physical movement of removable/transportable electronic storage media. Certain transmissions, including of paper, via facsimile, and of voice, via telephone, are not considered to be transmissions via electronic media, because the information being exchanged did not exist in electronic form before the transmission.

In order to send and receive Protected Health Information ("PHI" as defined in the Plan Document) necessary for Plan administration by Electronic Media, the Plan Sponsor will:

- (1) Implement reasonable and appropriate safeguards for electronic PHI created, received, maintained or transmitted to or by the Plan Sponsor on behalf of the group health plan;
- (2) Ensure that electronic "firewalls" are in place to secure the electronic PHI;
- (3) Ensure that all agents and subcontractors with access to electronic PHI comply with the security requirements; and
- (4) Report to the group health plan any security incident of which it becomes aware.



This Amendment is effective for the current Plan Year, and for any future Plan Years, unless amended by the Plan Sponsor.

Executed this 28 day of June, 2017.

VILLAGE OF BLOOMINGDALE

By: 

Printed: Pietro Scalera

Title: Village Administrator

Date: 6-28-17

