

**AMENDMENT
TO
LAKE ERIE REGIONAL COUNCIL'S GROUP HEALTH PLAN**

Health Insurance Portability and Accountability Act of 1996

Lake Erie Regional Council ("LERC") intends for its group health plan ("Health Plan") to comply with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), as amended from time to time. HIPAA's Privacy Rules require, beginning April 14, 2003, that Group Health Plans restrict Uses and Disclosures of Protected Health Information ("PHI") by Plan Sponsors. LERC is the Plan Sponsor of Health Plan, and is entering into this Amendment on behalf of all of LERC's member school districts (individually, a "Member" or collectively, the "Members"). LERC and/or its Members are hereinafter sometimes referred to collectively as "Plan Sponsor." This Amendment: (1) establishes the permitted and required Uses and Disclosures of PHI by Plan Sponsor, (2) incorporates Plan Sponsor's agreements relating to Use and Disclosure of PHI, and (3) provides for adequate separation between Health Plan and Plan Sponsor.

Permitted and Required Uses and Disclosures of PHI by Plan Sponsor

Health Plan may Disclose PHI to Plan Sponsor to permit Plan Sponsor to carry out Health Plan administration functions provided Health Plan has received certification by Plan Sponsor of this Amendment.

Except for genetic information for underwriting purposes (as prohibited by 45 CFR § 164.502(a)(5)(i)), Health Plan, or a health insurance issuer or HMO with respect to Health Plan, may disclose Summary Health Information to Plan Sponsor for the purpose of: (1) obtaining premium bids from insurers for providing health insurance coverage, or (2) modifying, amending, or terminating Health Plan.

Health Plan, or a health insurance issuer or HMO with respect to Health Plan, may also disclose to Plan Sponsor information on whether an Individual is participating in Health Plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by Health Plan.

Plan Sponsor's Agreements Relating to PHI

Plan Sponsor has agreed:

- (A) Not to Use or further Disclose PHI other than as permitted or required by plan documents or as required by law;
- (B) To ensure that any agents to whom Plan Sponsor provides PHI received from Health Plan agree to the same restrictions and conditions that apply to Plan Sponsor with respect to such PHI;
- (C) Not to Use or Disclose PHI for employment-related actions and decisions;
- (D) Not to Use or Disclose PHI in connection with any other benefits or employee benefit plan of Plan Sponsor;

- (E) To report to Health Plan any PHI Use or Disclosure that is inconsistent with the Uses or Disclosures provided for in this Amendment of which it becomes aware;
- (F) To make PHI available to an Individual in accordance with HIPAA's access requirements;
- (G) To make PHI available for amendment and to incorporate any amendments to PHI in accordance with HIPAA;
- (H) To make available the information required to provide an accounting of Disclosures in accordance with HIPAA;
- (I) To make its internal practices, books and records relating to the Use and Disclosure of PHI received from Health Plan available to the Secretary of the U.S. Department of Health and Human Services for the purposes of determining Health Plan's compliance with HIPAA;
- (J) If feasible, to return or destroy all PHI received from Health Plan that Plan Sponsor maintains in any form, and retain no copies of such PHI when no longer needed for the purpose for which Disclosure was made (or if return or destruction is not feasible, limit further Uses and Disclosures to those purposes that make the return or destruction infeasible); and
- (K) To ensure that adequate separation between Health Plan and Plan Sponsor is established.

Adequate Separation Between Health Plan and Plan Sponsor

Only the following employees or classes of employees of Plan Sponsor may be given access to PHI:

- (A) employees who perform plan administration functions on behalf of Health Plan; and
- (B) employees who receive PHI relating to Payment, Health Care Operations or other matters pertaining to Health Plan in the ordinary course of business.

The term "employee" includes any employee, volunteer, trainee or other person whose work performance is under the direct control of Plan Sponsor, and includes any such person serving as a director, officer or agent of LERC and/or employed by a Member. The foregoing Plan Sponsor employees may only have access to and Use and Disclose PHI for plan administration functions that Plan Sponsor performs for Health Plan. Plan Sponsor will train all of its employees on Health Plan's HIPAA Privacy Policies and Procedures as necessary and appropriate for employees to carry out their plan administration functions. Plan Sponsor employees who Use or Disclose PHI in violation of the requirements of this Amendment will be subject to appropriate sanctions imposed in accordance with the discipline policies of the Members (as applicable), up to and including termination of employment.

Effective Date: September 23, 2013