

**AMENDMENT NO. 4
JUNIATA COLLEGE
EMPLOYEE BENEFIT PLAN**

- I. Effective April 20, 2006, the section “**HIPAA PRIVACY**” shall be deleted and replaced with the following:

HIPAA PRIVACY

The following provisions are intended to comply with applicable *Plan* amendment requirements under Federal regulation implementing Section 264 of the Health Insurance Portability and Accountability Act of 1996 (*HIPAA*).

DISCLOSURE BY PLAN TO PLAN SPONSOR

The *Plan* may take the following actions only upon receipt of a *Plan* amendment certification:

1. Disclose protected health information to the *plan sponsor*.
2. Provide for or permit the disclosure of protected health information to the *plan sponsor* by a health insurance issuer or HMO with respect to the *Plan*.

USE AND DISCLOSURE BY PLAN SPONSOR

The *plan sponsor* may use or disclose protected health information received from the *Plan* to the extent not inconsistent with the provisions of this *HIPAA Privacy* section or the *privacy rule*.

OBLIGATIONS OF PLAN SPONSOR

The *plan sponsor* shall have the following obligations:

1. Ensure that:
 - a. Any agents (including a subcontractor) to whom it provides protected health information received from the *Plan* agree to the same restrictions and conditions that apply to the *plan sponsor* with respect to such information; and
 - b. Adequate separation between the *Plan* and the *plan sponsor* is established in compliance with the requirement in 45 C.F.R. 164.504(f)(2)(iii).
2. Not use or further disclose protected health information received from the *Plan*, other than as permitted or required by the *Plan* documents or as *required by law*.
3. Not use or disclose protected health information received from the *Plan*:
 - a. For employment-related actions and decisions; or
 - b. In connection with any other benefit or employee benefit plan of the *plan sponsor*.
4. Report to the *Plan* any use or disclosure of the protected health information received from the *Plan* that is inconsistent with the use or disclosure provided for of which it becomes aware.
5. Make available protected health information received from the *Plan*, as and to the extent required by the *privacy rule*:
 - a. For access to the individual;

- b. For amendment and incorporate any amendments to protected health information received from the *Plan*; and
 - c. To provide an accounting of disclosures.
6. Make its internal practices, books, and records relating to the use and disclosure of protected health information received from the *Plan* available to the Secretary of the U.S. Department of Health and Human Services for purposes of determining compliance by the *Plan* with the *privacy rule*.
 7. Return or destroy all protected health information received from the *Plan* that the *plan sponsor* still maintains in any form and retain no copies when no longer needed for the purpose for which the disclosure by the *Plan* was made, but if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible.
 8. Provide protected health information only to those individuals, under the control of the *plan sponsor* who perform administrative functions for the *Plan*; (*i.e.*, eligibility, enrollment, payroll deduction, benefit determination, claim reconciliation assistance), and to make clear to such individuals that they are not to use protected health information for any reason other than for *Plan* administrative functions nor to release protected health information to an unauthorized individual.
 9. Provide protected health information only to those entities required to receive the information in order to maintain the *Plan* (*i.e.*, claim administrator, case management vendor, pharmacy benefit manager, claim subrogation, vendor, claim auditor, network manager, stop-loss insurance carrier, insurance broker/consultant, and any other entity subcontracted to assist in administering the *Plan*).
 10. Provide an effective mechanism for resolving issues of noncompliance with regard to the items mentioned in this provision.
 11. Reasonably and appropriately safeguard electronic protected health information created, received, maintained, or transmitted to or by the *plan sponsor* on behalf of the *Plan*. Specifically, such safeguarding entails an obligation to:
 - a. Implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic protected health information that the *plan sponsor* creates, receives, maintains, or transmits on behalf of the *Plan*;
 - b. Ensure that the adequate separation as required by 45 C.F.R. 164.504(f)(2)(iii) is supported by reasonable and appropriate security measures;
 - c. 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; and
 - d. Report to the *Plan* any security incident of which it becomes aware.

EXCEPTIONS

Notwithstanding any other provision of this *HIPAA Privacy* section, the *Plan* (or a health insurance issuer or HMO with respect to the *Plan*) may:

1. Disclose summary health information to the *plan sponsor*:
 - a. If the *plan sponsor* requests it for the purpose of:
 - i. Obtaining premium bids from health plans for providing health insurance coverage under the *Plan*; or
 - ii. Modifying, amending, or terminating the *Plan*;

2. Disclose to the *plan sponsor* information on whether the individual is participating in the *Plan*, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the *Plan*;
3. Use or disclose protected health information:
 - a. With (and consistent with) a valid authorization obtained in accordance with the *privacy rule*;
 - b. To carry out treatment, payment, or health care operations in accordance with the *privacy rule*; or
 - c. As otherwise permitted or required by the *privacy rule*.

I. Effective May 1, 2006, the section “**MEDICAL CLAIM FILING PROCEDURE**” shall be amended as follows:

Add the following subsection to the end of this section:

CAREWISE PROGRAM

“CareWise” is a voluntary program available to all *employees* and their *dependents*, offering unlimited toll-free access to nurses twenty-four (24) hours a day, seven (7) days a week. An *employee* or their *dependent* can talk one-on-one with an experienced nurse about any health concern by dialing: 888-318-9473.

Effective April 20, 2006 and May 1, 2006 as noted

Received and accepted for: Juniata College

By: 

Title: Director of Human Resources

Date: June 28, 2006